

THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE



2013
ANNUAL
REPORT



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A MESSAGE FROM DISTRICT ATTORNEY SANDRA DOORLEY

Thank you for your interest in the Monroe County District Attorney's Office and for taking the time to review our 2013 Annual Report. This report, which chronicles my second year as Monroe County's chief law enforcement officer, offers a wealth of information on the office's many distinct bureaus, programs and functions while also providing a representative sample of the thousands of cases that our office prosecuted in 2013 on behalf of the people of Monroe County.



Since being sworn in as your District Attorney two years ago, I have worked stridently to maintain an organization that works vigorously to promote public safety while maintaining only the highest standards of fairness, transparency, and prosecutorial integrity. In 2013, I am proud to report that our office successfully prosecuted 4,987 felony cases and 17,548 misdemeanor cases while maintaining a 94% conviction rate. These impressive totals, which surpass the statewide average for convictions in felony and violent felony cases, were accomplished while increasing both our intake and trial prosecution of homicide cases—from thirty-eight to seventy-eight, and twelve to twenty-five respectively—an increase of over 100% from 2012. Our reorganized bureau structure and policy of vertical prosecutions and have continued to allow specialized prosecutors to handle cases matching their unique expertise and we have enjoyed continued success in our strategy of fighting violent crime and illegal use of firearms by restricting plea offers.

As an accompaniment to our successful efforts in the courtroom, we've continued to expand our mission to include a wide variety of public outreach and educational events within the community. Each week, members of my attorney staff and I participate in seminars, speak at schools, and provide training for police officers and other public safety partners while continuing our commitment to law enforcement outreach endeavors like Project TIPS and the National Night Out events. These joint law enforcement programs highlight the important work that our community partners perform each day including Gary Mervis and the project EXILE advisory board and the many indispensable service agencies that we work with including Bivona Child Advocacy Center, Alternatives for Battered Women, and the Domestic Violence Consortium, just to name a few. In addition to these important collaborations, our office has expanded its charitable partnerships to include financial support of Quad A for Kids and Wilson Commencement Park, in addition to our traditional major support of the Boys & Girls Clubs of Rochester, Rochester Teen Court, and the Pencil Partner program with Rochester School #3. Through initiatives like the Boys & Girls Club's "Project STEP UP," we have remained committed to proactive crime prevention and public education programs that address the factors that drive crime in our communities.

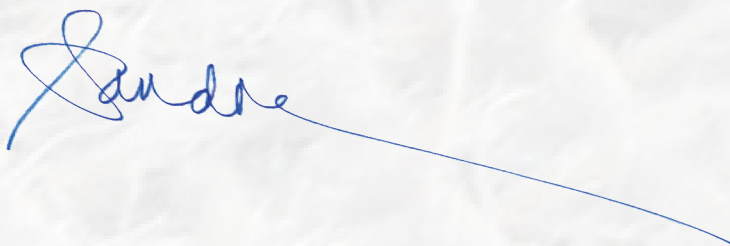
Upon being sworn in as District Attorney, I pledged to increase our office's focus on victims and victim services, a commitment which resulted in a variety of positive organizational and procedural changes during the first twelve months of my tenure. That commitment continued in 2013 when our office became a member of the Western New York Human Trafficking Task Force & Alliance, a multi-agency group designed to combat human trafficking and provide services to human trafficking victims. In conjunction with this effort, the District Attorney's Office is an active member of the newly-formed Monroe County Safe Harbour Task Force, a multi-disciplinary agency which works to promote community awareness of the sexual exploitation of youth, identify at risk youth, and provide referrals to social services and housing for victims of this all-too-common crime. Other new endeavors include the introduction of a Districted Driving program designed to combat this increasingly deadly behavior which results in thousands of deaths per year in New York State and across the country.

These enhanced prosecutorial efforts, increased community presence, and new service programs are all the more impressive when one considers that they were accomplished while sustaining negligible budgetary growth—just 1.5% from 2012 despite increased contractual costs outside of our office's control. This was accomplished through the creation of new efficiencies and the prudent implementation of resources, as well as our office's continued pursuit of Federal and NYS grant funding to support our work. In addition, our office makes every effort to fund programs and materials using monies seized during the course of criminal investigations, saving Monroe County taxpayers tens of thousands of dollars each year.

This record of accomplishment in prosecuting cases, engaging in public service, and successfully managing our public funds would not have been possible without the dedicated commitment of the 140 attorney and support staff who comprise the Monroe County District Attorney's Office; public servants whose skill and professionalism drive our continued success. The staff, along with our many incredible partners in law enforcement operating outside of the courtroom, work tirelessly to promote public safety while providing an unrivaled level of service to all of us who call Monroe County home.

I hope that you find this report useful, informative, and engaging, and that it gives you, the reader, insight into both our criminal justice system and the work that our office does on behalf of the citizens of Monroe County each and every day. I am proud of our record of accomplishment, and look forward to continuing to communicate to you the extraordinary work that this office and its dedicated staff perform both in future reports and at the many events, seminars, and information sharing meetings that we attend throughout the year.

As always, thank you for your continued support, and thank you for the honor of serving you as District Attorney.

A handwritten signature in blue ink, appearing to read "Sandra", with a long horizontal line extending from the end of the signature.

MONROE COUNTY DISTRICT ATTORNEY SANDRA DOORLEY

Elected in 2011, Sandra Doorley is the first female District Attorney in Monroe County history. Prior to assuming office, Doorley served the District Attorney's Office with distinction for nearly twenty years, successfully prosecuting thousands of high profile criminal cases and compiling an impressive record of victories. After joining the office in 1992, Sandra Doorley served under two consecutive administrations in the following capacities:

- Chief of the Felony DWI Bureau (2004-2005)
- Deputy Chief of the Major Felony Bureau (2005-2008)
- Second Assistant District Attorney (2008)
- First Assistant District Attorney (2008-2011)
- Homicide Bureau Chief (2008-2011)

Recognized as a leader in the prosecution of cold cases using DNA evidence, District Attorney Doorley has successfully obtained indictments and convictions in such cases, including the 1976 murder of a young girl in Rochester and the conviction of a serial sex offender for murder and sexual assault. In January 2011, Sandra Doorley was honored by the New York State District Attorney's Association with the *Robert M. Morgenthau Award* in recognition for her "professional accomplishments, honesty, integrity and commitment to the fair and ethical administration of justice." In addition to her duties as District Attorney, Sandra Doorley continues to assume the role of lead prosecutor on several current and pending homicide and criminal cases.

In addition to her duties as Monroe County's Chief law enforcement



officer, Sandra Doorley is a member of the Greater Rochester Association for Women Attorneys and the Monroe County Bar Association as well as a member of the Boards of the Boys & Girls Club of Rochester, the National Center for Missing and Exploited Children, and the Huther Doyle substance abuse center. Each year, Ms. Doorley makes hundreds of public appearances, speaking to civic groups and at trainings and ceremonies both in her capacity as District Attorney and as an active member of the community. Doorley performed her undergraduate studies at the University at Albany and is a graduate of the Syracuse University School of Law. She currently lives with her family in Webster.

FIRST ASSISTANT DISTRICT ATTORNEY KELLY C. WOLFORD

The First Assistant District Attorney is appointed by the District Attorney and is responsible for homicide prosecutions and general office administration in addition to the direct oversight of five interoffice bureaus. Former Monroe County Court Judge Kelly C. Wolford was appointed First Assistant District Attorney in July 2011 after serving 2 years as Chief of the Appeals Bureau. In her 17 year tenure at the DA's office, Wolford has successfully prosecuted hundreds of high profile criminal cases and is regarded as one of Monroe County's most experienced prosecutors. Prior to joining the Monroe County District Attorney's Office in June 1997, Wolford was an Assistant County Prosecutor in the Stark County Prosecutor's Office in Canton, Ohio. Wolford completed her undergraduate studies at Allegheny College and is a graduate of the University of Dayton School of Law.



SECOND ASSISTANT DISTRICT ATTORNEY TIMOTHY L. PROSPERI



The Second Assistant District Attorney is appointed by the District Attorney and is responsible for both office administration and direct oversight of four interoffice bureaus. Timothy Prospero was appointed by former District Attorney Michael Green in 2009 and was retained in that role by District Attorney Doorley when she assumed office in 2012. A 25 year veteran of the District Attorney's Office, Mr. Prospero spent four years in private practice before entering public service, where he has successfully prosecuted hundreds of felony level offenders, including 20 homicides. Prior to his appointment as Second Assistant District Attorney, he was Chief of the Special Investigations Bureau and served as Deputy Chief of the Local Court Bureau.

Timothy Prospero serves on the District Attorney's Association of New York's Best Practices Committee. He performed his undergraduate studies at the State University of New York at Geneseo and is a graduate of the University of Buffalo Law School.

THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE

The Monroe County District Attorney's Office is charged with the fair and impartial prosecution of felony and misdemeanor crimes and violations perpetrated against the citizens of Monroe County. In addition, as a non-mandated service, the office prosecutes traffic infractions in many of the town and village justice courts in the county. With a staff of 80 sworn attorneys and 60 support staff, the DA's office is one of the largest law firms in Monroe County. Based on caseload (4,987 new felony case referrals and 17,548 non-felony arraignments in 2013), the Monroe County District Attorney's Office ranks in the top ten offices in counties statewide by case volume and regularly outperforms New York State average for felony conviction rates.

Assuming office in January 2012, District Attorney Sandra Doorley is a constitutional officer elected to a four-year term as Chief Prosecutor for Monroe County. First Assistant District Attorney Kelly Wolford and Second Assistant District Attorney Timothy Prosperi are appointed by the District Attorney and are each responsible for the supervision of several bureaus as well as overseeing all homicide prosecutions, evaluating each homicide arrest to determine the best prosecution strategies to ensure a conviction, and assigning such cases to other experienced Assistant District Attorneys (ADA's) on staff. The office is structured into a number of specialized bureaus, each prosecuting particular types of cases, with each bureau overseen by a Bureau Chief. Some Bureau Chiefs report to the First Assistant District Attorney and the others to the Second Assistant District Attorney.

The Monroe County District Attorney's Office is located in the Ebenezer Watts Building at 47 Fitzhugh Street South, Rochester.



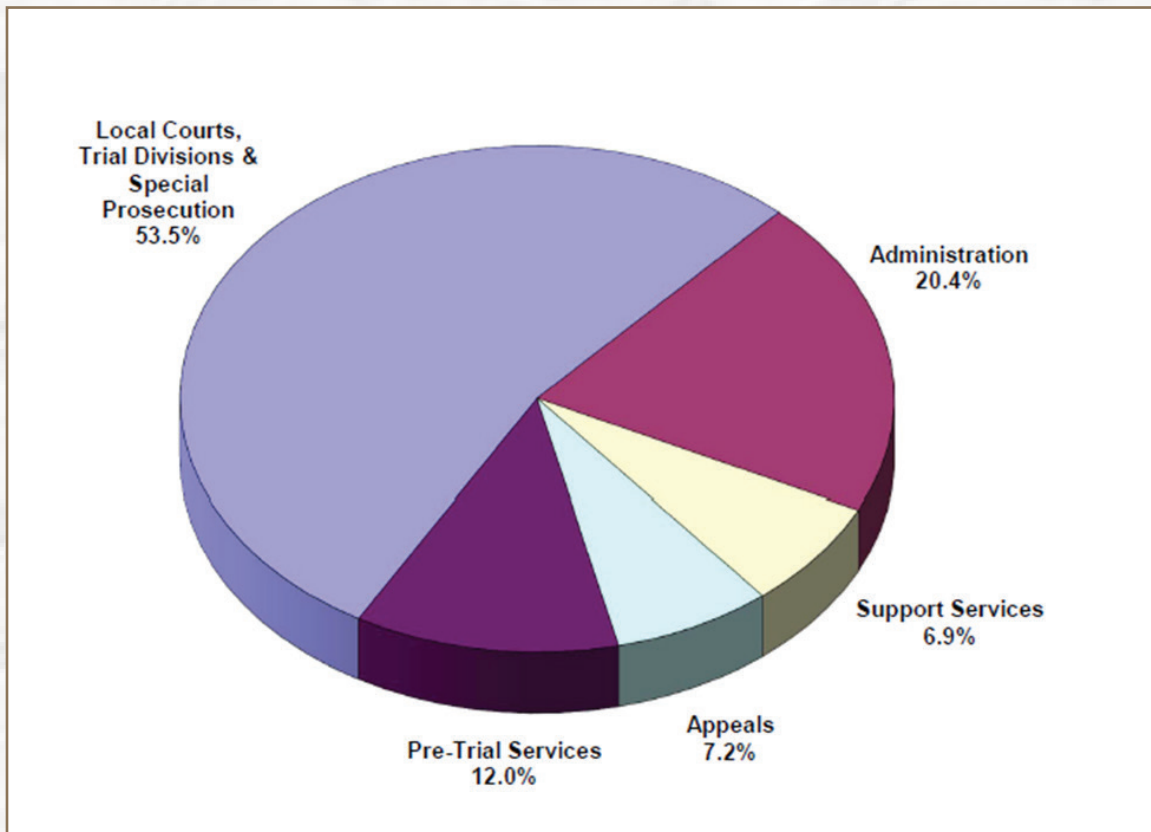
THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE

2013 FINANCIAL OVERVIEW

The District Attorney's Office plays an indispensable role in both the government and criminal justice systems in Monroe County. The importance of its mission, however, must be balanced with the responsible, effective and efficient use of public resources, always striving to not just maintain, but improve services and outcomes for the community. In 2013, the Monroe County District Attorney's Office continued its record of fiscal responsibility, holding the line on budgetary growth while expanding prosecutorial assets and programs. This was accomplished by aggressively seeking Federal and State grant opportunities and forfeiture funds to reduce the burden on Monroe County taxpayers. In this era of decreasing budgets and leaner government, the Monroe County District Attorney's Office is committed to maximizing the effectiveness of its staff and its use of existing resources to enhance its ability to successfully prosecute increasing numbers of cases.

With 140 employees, the Monroe County District Attorney's Office represents one of the largest departments in Monroe County government, yet comprises only 1.5% of the overall County budget.

2013 Operating Budget - \$12,339,946*
2013 Grant Budget - \$1,681,354



*The work of the District Attorney's Office is mandated by State Law, with 100% of the budget dedicated to mandated functions.

Forfeiture Funds

Investigations into criminal activity, particularly those linked to drug crimes, can result in the seizure of large quantities of cash and consumer items by authorities. Some of this seized property and currency is referred to the United States Attorney's Office for a process known as "Federal Adoptive Forfeitures." Through this process, defendants that are duly convicted have the property they acquired in pursuit of their illicit activities liquidated and distributed among law enforcement agencies, including the District Attorney's Office, who then use the money to purchase equipment, improve facilities, and conduct public awareness programs.

Not all forfeiture funds qualify for Federal government seizure, however, with New York State controlling much of the monies confiscated during felony arrests. Beginning in 2004, the Monroe County District Attorney's Office Special Investigations Bureau, exercising its authority under Article 13-A of the New York State Civil Practice Law and Rules, works with State courts in order to receive portions of the these confiscated funds for law enforcement activities within Monroe County.

In 2013, the Monroe County District Attorney's Office received forfeiture funds totaling \$209,100 from both Federal and State sources, up significantly from the \$86,421 received in 2012.

Forfeiture Asset Attainment 2010-2013

Forfeiture Funds	2013	2012	2011	2010
Funds Received	\$209,100	\$86,421	\$77,581	\$101,135
Funds Spent	\$184, 639	\$95,187	\$65,457	\$55,852

2013 Forfeiture Allocation

Expense	2013
Travel and Training	\$14,857
Community Based Programs	\$20,598
Witness Protection Services	\$17,785
Supplies & Equip. Maintenance	\$45,708
Law Enforcement Equipment	\$60,123
Investigative Services	\$8,161
Trial Expenses	\$17,407
Total	\$184,639

Project STEP-UP

The District Attorney's Office fund and provide personnel for The Boys & Girls Club of Rochester's Project STEP-UP Program, a summer program to help at-risk youth resist peer pressure to get involved with guns, drugs and gang activities. The program focuses on recruiting youth from street corners, involving them in a recreational basketball league and other programs in an effort to teach gang resistance, constructive conflict resolution, and development of the skills required to become a positive peer role model.

In 2013, the program provided outreach four nights a week from 6-11pm to nearly 150 youth ranging in ages from 14 to 21 years. Funding for the Project STEP UP Program, which comes entirely from District Attorney forfeiture funds, totaled \$7,846 for 2013. By comparison, the cost of incarcerating a single individual for one year in New York State exceeds \$60,000.

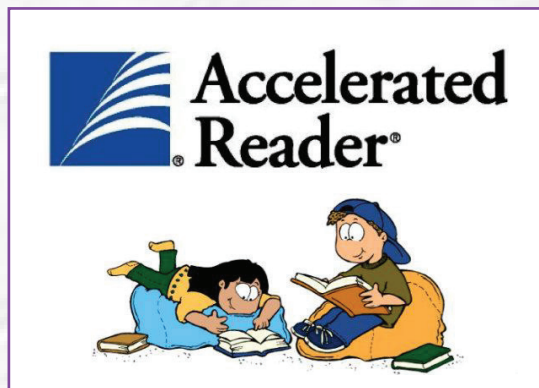
GREAT FUTURES START [HERE.](#)



BOYS & GIRLS CLUBS

The Monroe County District Attorney's Office & The Boys & Girls Clubs of Rochester

The Monroe County District Attorney's Office is proud to be a major sponsor of the Boys & Girls Club of Rochester. Through this relationship, which is entering its 9th year, the District Attorney's Office is not only able to give back to the community it serves, but is also given the opportunity to have a positive impact on the lives of hundreds of urban youth in Monroe County through the Club's Accelerated Reader Program and Project Step-Up. As a community partner, the DA's Office is able to assist the Boys & Girls Club in their mission to provide youth development programs that enable young people to acquire the skills and qualities needed to become responsible citizens and leaders. Since its inception, the Boys and Girls Clubs Movement has provided mentoring and leadership training specifically designed to change the lives of youth who face daily challenges such as poverty, broken homes, crime, unemployment, prejudice and difficulties in school. The DA's Office is honored to be a part of that legacy and look forward to continuing their involvement with the Boys & Girls Club.



The Accelerated Reader Program at the Boys and Girls Clubs of Rochester

The Accelerated Reader Program at the Boys & Girls Clubs of Rochester is at the core of the clubs' literacy initiative, challenging participants to read as many books as possible in six months while instilling in them a lifelong love of reading and learning. The Program, which is fully funded by the Monroe County District Attorney's Office through Operation IMPACT grant funds, provides students with books suitable to their reading levels, immediate feedback on comprehension via computerized tests, and recognition for individual reading progress.

In 2013, The Boys & Girls Clubs of Rochester celebrated its tenth year of its Accelerated Reader Program with 193 members reading 11,857 books between October 2012 and May 2013 with a comprehension rate average of 85.8%, a 9% increase from when the program started.

The following statistics applaud the 2013 accomplishments of our “Reader Leaders”...

- 152 members who were reading independently and met their goals for one or more quarters advanced an average of 1.4 in reading skill levels or 1 year and 4 months in reading growth.
- 31 members who read 100 or more books increased in reading growth an average of 1.8 years and received a prestigious certificate of achievement from District Attorney Sandra Doorley.
- Four members reached their personal goal to read over 200 books.
- Each of the “Top Twelve” readers were presented with the Excellence in Reading Award and a grand prize of a \$100 gift card donated by V.J. Stanley Community Foundation. The “Top Twelve” members advanced an average of 2 years and 2 months in reading skill.
- Fifty-eight Faithful Readers who met their goals for either all four quarters or read over 100 books averaged a 1.7 years growth in reading skill.
- The “Readers of the Year” award were presented to:
 - Ellington Jenkins, a second grade member, who read 230 books, and advanced 2 years and 2 months in reading skill levels.
 - Talaysia Smith, a third grade member, who read 275 books, and advanced 1 year and 9 months in reading skill growth.

The following statistics indicate the progress of the Accelerated Reader program at the Boys & Girls Club since it's inception in 2003.

<i>Years</i>	<i>Active Members</i>	<i>Number of Books Read</i>	<i>Comprehension Percent Correct</i>
2003-2004	102	2,089	77.9%
2004-2005	135	4,426	80.2%
2005-2006	187	5,234	86.6%
2006-2007	196	5,777	87.6%
2007-2008	153	5,652	89.2%
2008-2009	175	8,483	88.4%
2009-2010	170	9,063	90.1%
2010-2011	218	9,358	87.3%
2011-2012	187	11,561	86.2%
2012-2013	193	11,857	85.8%



Pencil Partners Program



Beginning in 2011, The Monroe County District Attorney's Office has been involved with the Rochester City School District's PENCIL Partnership Program,

which pairs businesses and government organizations in the community with local schools in order to supplement school resources and enhance educational opportunities for students. Partnered with Nathaniel Rochester School #3, several Assistant District Attorney's along with District Attorney Doorley visit the school on a weekly





basis to conduct a variety of activities including book clubs, annual projects, and career days. The program also offers students the ability to interact with Assistant District Attorney's, Rochester City Court Judges, and other members of law enforcement with the goal of teaching children drug and crime prevention education, job skills and training, and the ability to see positive career opportunities and interactions with the criminal justice system. In addition to the help that the District Attorney's Office is able to provide students, the program gives ADA's the opportunity to build community bonds and enhance the trust and cooperation of the public in furthering law enforcement's goals.

Though not directly associated with the Pencil Partners initiative, members of the DA's Office staff sponsor the Christmas wish-lists of kindergarteners at Rochester City School #5 for the annual appearance by Santa Claus, who is employed as a Major Felony prosecutor when not delivering toys to children.

The PENCIL Partners program is a growing part of the District Attorney's Office community outreach initiatives and the office's involvement in the program has been renewed for 2014.

Project T.I.P.S.

Each year, hundreds of crimes in the City of Rochester, including violent crimes, go unsolved because members of law enforcement are unable to locate those with crucial information needed to make an arrest. Sometimes this occurs simply because there were no witnesses to a crime. Often, however, residents who possess vital information do not come forward because they do not trust members of government and law enforcement, believing that they cannot help, or worse—that the police, rather than the criminals who terrorize their streets, are the enemy. Though not unique to Rochester, the lack of trust between government service providers (police, DAs, Firefighters, etc.) and the residents of inner-city neighborhoods has grave consequences, cutting citizens off from services and making it difficult for law enforcement officials to adequately serve the neighborhoods, and the residents living in them, that they are sworn to protect. In short, law enforcement cannot be effective without support from the community.



Project T.I.P.S., which stands for Trust, Information, Programs & Services, seeks to break down the walls of complacency and fear by bringing law enforcement into targeted communities and engaging with residents face to face in a fun, relaxed environment. Celebrating its 7th year serving the residents of Rochester, Project TIPS events occur in public spaces such as parks or community centers around the city, featuring free food and drinks, horseback riding, games, giveaways, and conversation all designed to



build trust among the residents and law enforcement personnel in an effort to encourage information sharing and reduce crime. Founded by Gary Mervis of Camp Good Days and Special Times, TIPS has evolved into a community wide initiative with support and participation from dozens of service, government, neighborhood, and law enforcement organizations across Monroe County. The Monroe County District Attorney's Office is a dedicated participant and supporter of Project TIPS, handing out toys and brochures, answering questions, and going door to door at events in an effort to meet residents and learn about their neighborhoods.



Locations for TIPS events are chosen by the Chief of the Rochester Police Department in cooperation with the District Attorney's Office and other agencies serving the community. Originally intended to move to different neighborhoods, Project TIPS committee members determined that it would be more effective to return to certain targeted neighborhoods, thereby establishing stronger bonds with particular communities.



The 2014 Project TIPS events include:

- Thursday, May 22nd at YMCA, 53 Lewis Street
- Thursday, June 19th at the Park at Chamberlin & Grand Avenue
- Thursday, July 17th at School #4, Jefferson Avenue & Dr. Samuel McCree Way
- Thursday, August 21st at School #17, Jay Street and Orchard Street

"It gives me a great deal of satisfaction ...



to see justice done for the victims of the crime ...





and to act as their voice in the courtroom.”



- District Attorney Sandra Dooley,
September 26, 2013

Rochester Teen Court

Administered by the Center for Youth Services, Rochester Teen Court is a peer to peer youth sentencing diversion program that serves as an alternative to the traditional judicial system for first-time offending teens, ages 16-19 years, who commit non-violent misdemeanor crimes. Defendants whose cases are transferred to Teen Court have a disposition of their criminal charges by teen peers acting as prosecutors, defense council, court personnel and jurors. An actual City of Rochester or County Court judge presides over the proceedings, and the teen jurors recommend sentencing. Local attorneys in both private and public practice volunteer their time to help train youth to become members, offer on-site assistance with their cases and provide educational feedback to program participants.

During the proceedings, teen attorneys are assigned cases, meet with their clients (the teen defendants) interview witnesses, and address the teen jury. Teen Court, however, is a sentencing rather than a trial court, so a defendant's guilt or innocence is not argued. Instead, teens who agree to participate in the program understand that they are in court to face the consequences for their criminal behavior.

Rochester Teen Court is a prevention and intervention initiative that can be useful in diverting more serious criminal behavior while it addresses and intervenes in the lives of those youth already presenting significant concerns. Through the program, participants not only increase their awareness of the causes of violence in the community and what they can do to prevent it, but also have the opportunity to develop relationships with positive professional role models. Imposed sentences, which are recommended by the jury, range from Letters of Apology and essays to Community Service, Drug Screening, or other reasonable conditions as appropriate.

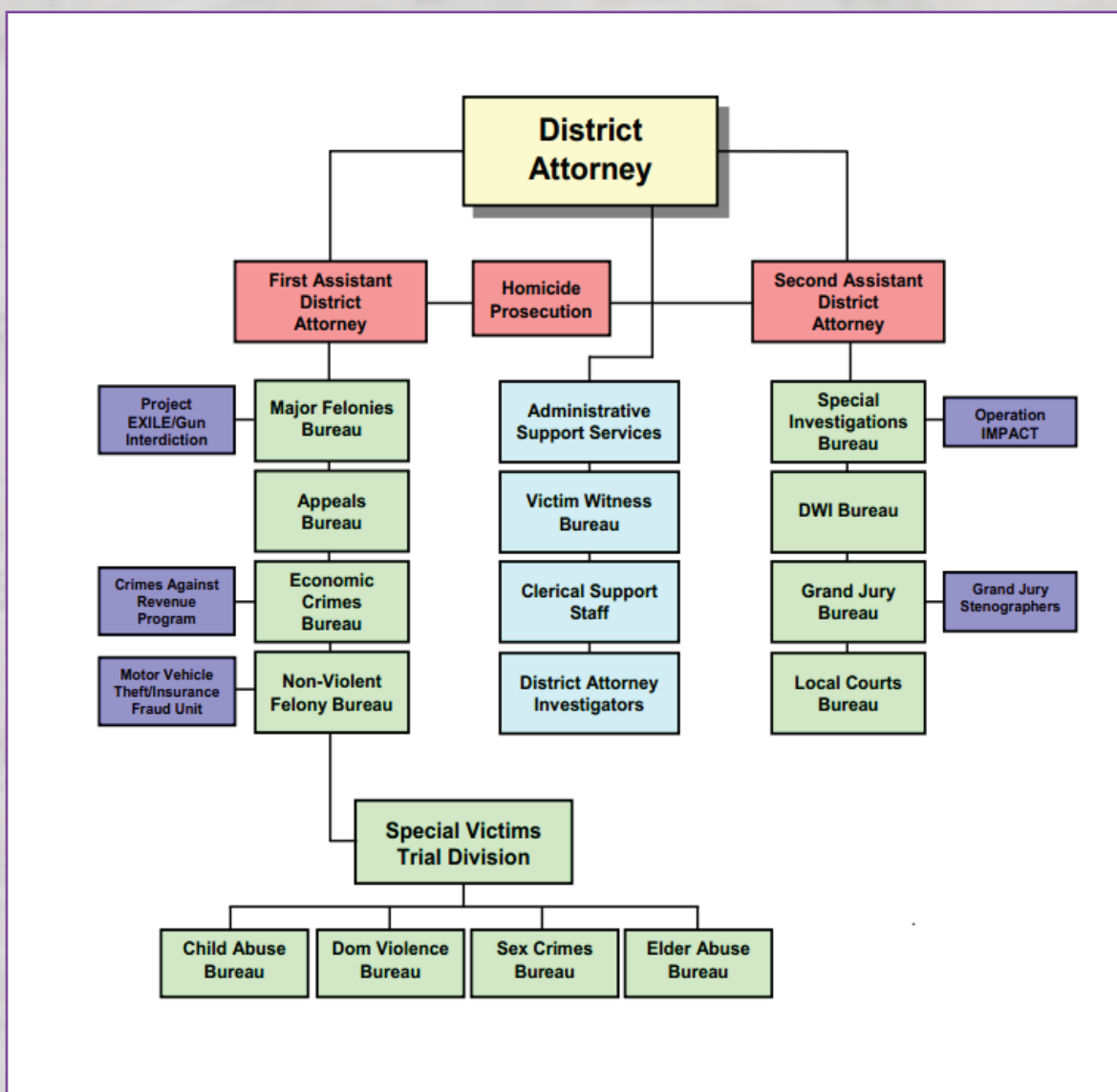
The Monroe County District Attorney's Office is a proud sponsor of Rochester Teen Court, which enjoys support from many other law enforcement organizations.



THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE TWELVE BUREAUS. ONE MISSION.

The Monroe County District Attorney's Office is divided into twelve prosecuting and two support/service bureaus. This arrangement ensures that certain types of crimes are prosecuted by attorneys within the DA's Office that share specialized knowledge of both the law and of the unique prosecutorial techniques often required to ensure convictions. Each of the twelve bureaus, though unique, work tirelessly to carry out the mission of the Monroe County District Attorney's Office; to dispense justice to the community by vigorously prosecuting those who commit crimes, to ensure the rights of victims, and to improve the quality of life for those who call of Monroe County home.

The following pages offer a brief profile of each of these important bureaus, a biography of the Bureau Chief, and a small, representative sample of some of cases prosecuted by each bureau in 2013.



THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE

HOMICIDE DIVISION

The Homicide Division of the Monroe County District Attorney's Office is a collective of the Office's most experienced trial attorneys who are assigned to prosecute homicide cases on behalf of the people of Monroe County. Overseen by the First and Second Assistant District Attorneys in close cooperation with District Attorney Doorley, the Homicide Division is made up of members of other bureaus within the office, most often Bureau Chiefs or senior members of the Major Felony Bureau. Regarded as among the most complex and consequential of all prosecutions, homicides require not only significant experience and expertise, but also additional support in order to ensure ample preparation and research prior to trial. As a result, homicide cases are sometimes assigned to two prosecutors—a "lead prosecutor" who is the main attorney assigned to the case, and a second prosecutor, often referred to as a "second chair." Generally, prosecutors who try these cases have "second-chaired" other homicide cases in the past before assuming the role of lead prosecutor. First and Second Assistant District Attorneys Kelly Wolford and Timothy Prosperi, along with Bureau Chiefs Perry Duckles and Matthew Schwartz, are on call 24 hours a day and respond to every homicide in Monroe County, inspecting the crime scene and working closely with police agencies, providing legal advice when necessary.

In 2013, the Monroe County District Attorney's Office Homicide Division took in 78 new cases. Forty-one of the cases were closed, with a 96% conviction rate after 25 trials. The following is a representative sample of some of those cases.



PEOPLE V MICHAEL PILATO

On December 7, 2011, just after 1 AM, the Monroe County 911 Center received a call from 634 Cardile Drive, in the Town of Webster, for a cause unknown. The caller had not been able to speak but the line remained open. When the Webster Police responded, they encountered an active house fire, with people trapped inside. Two residents of the home, mother Elaine Pilato and her daughter, Elizabeth, 13, had escaped the fire and were taken to Strong Memorial Hospital for treatment. Three other family members, father Carmen Pilato, and sons Peter, 16, and Josh, 12, were still within the home, and a fourth family member, Michael Pilato, 15, was missing. Carmen, Peter and Josh were eventually removed from the burning residence and were clearly deceased. Early on, West Webster firefighters determined the fire to be suspicious in nature when they located gas cans inside the oven and outside on the deck. The investigation began to focus on the missing 15 year old Michael, who was also believed to have taken the family truck.



Gas can inside the oven.



Living room of the home with burned Christmas tree.

At approximately 1:50 AM, Michael Pilato sent a text message to a friend asking, "If you set your family's house on fire, would you stay or would you run?" A short time later, Michael admitted what he had done to another family member, and later, confessed to a Webster Police Investigator.

A Monroe County Grand Jury indicted Michael Pilato on three counts of intentional murder, three counts of felony murder, two counts of attempted murder, and one count of second degree arson. Michael would be tried as a juvenile offender in an adult court.

At the trial, District Attorney Sandra Doorley and Assistant District Attorney Kyle Steinebach used the defendant's statements to friends and family members to show that his actions were intentional. Prior to setting the fire, Michael had argued with his parents about his behavior. Michael's sister, Elizabeth, testified that the night before the fire, she heard Michael arguing with her father. She also said that she witnessed him pouring gasoline into a fire pit on the deck, and leaving a gas burner on the stove ignited. In addition, investigation into the arson proved that gasoline was used as an accelerant. Evidence indicated that gasoline had been poured on the stairwell, the route of egress from the second floor of the home, where the bedrooms were located.



Family photos untouched by the fire

The defense raised the affirmative defense of Extreme Emotional Disturbance, which was ultimately rejected by the trial jury. On June 20, 2013, Michael Pilato was convicted as charged in the indictment. On July 24, 2013, Monroe County Court Judge Vincent Dinolfo imposed the maximum sentence of 15 years to life in prison.

PEOPLE V. DEVONTE LIVELY



Larie Butler

On March 24, 2012, 17 year old Larie Butler asked her mother for permission to go the mall with a family friend, 20 year old Devonte Lively. Larie's brother, James, and her cousin walked her to meet up with Lively, who was driving his grandmother's Lexus. Lively agreed to have her home by 7:30 that evening, but she never came home.

At approximately 7:30 that night, Larie's mother, Karen Snipes, got home from work. Larie wasn't home, and she hadn't called or texted her mother, which was unusual. Karen was worried, but waited about a half hour before calling and texting Larie's phone. There was no answer. Larie's family went to Lively's house on Danforth Street in the City of Rochester looking for answers as to where Larie was. When he finally answered the door, Devonte told the family that he dropped Larie off near East high school.

The next morning, an official missing person report was taken by the Rochester Police Department (RPD), and the search for Larie intensified. The family and RPD returned to Lively's residence, and his mother gave them permission to search the house for Larie. During the search, Lively told police that he dropped Larie off at East Main Street and Ohio Street at around 6:15 PM on March 24th. Shortly thereafter the police learned that the Lexus that Lively was driving was registered to his grandmother, Elinora Holmes, who resided at 174 Dorington Road in the Town of Irondequoit.



Swimming Pool where Larie Butler was found.



Larie's cell phone found in Lively's grandmother's yard.

RPD officers went to Ms. Holmes' residence to search for Larie. In the yard, one of the officers discovered the back of a cell phone and a battery. A picture of the cell phone part was taken and shown to Karen Snipes, who said that it looked like the back of Larie's phone. The officers found a torn plastic bag with an orange sweatshirt with apparent bloodstains in a garbage tote in front of the house. After obtaining a search warrant, the officers collected the parts of the cell phone and the black garbage bag. Inside of the bag were found a garage door

opener and keys for 174 Dorington Road, and more stained clothing, including a shirt labeled “DeVante”.

On March 29th, RPD obtained a warrant to search for evidence inside of the house at 174 Dorington Road. One of the investigators noticed that a couch in the basement seemed to be out of place. It was placed with its back up against a large screen TV, rather than across from it. When the couch was moved, they found a number of large stains that appeared to be blood. Under a nearby chair, they found a painted fingernail tip. Karen Snipes identified the design on the nail to be the same as the one painted on Larie’s nails, which were done on the morning of March 24th.

Police continued their search for Larie in the back yard and in the shed. She was not there. Investigator David Simpson of RPD who had been searching for Larie since March 25th, noticed that a cement block that was used to hold down the cover neighbor’s pool



Larie’s fingernail found in basement of Lively’s grandmother’s home.

appeared to be out of place. The fire department came drain the pool cover. When the cover was removed, Investigator Simpson finally found the young woman he was searching for all those days. Larie’s lifeless body was floating at the bottom of the pool. The front part of her cell phone was found over the fence behind 174 Dorington Road. The Medical Examiner’s Office ruled the manner of death as homicide and reported that Larie was struck in the head, strangled, and stabbed, at least 4 times in the throat and 7 times in the abdomen.

At the trial, First Assistant District Attorney Kelly Wolford used cell phone records to show that Larie and Lively were in or near 174 Dorington Road at the time that Larie received her last phone call. She introduced evidence of text messages sent from Lively to a friend which stated that he had a body and that he wanted to know how to clean bloodstains out of a rug. DNA testing linked the fingernail tip to both Larie and Lively and proved that blood found in the basement was Larie’s. Wolford proved that Lively was the last person to see Larie, and that he lied to hide the truth.

On May 10, 2013, a jury convicted Devante Lively of Second Degree Murder. Supreme Court On June 13, 2013, Justice Thomas Moran imposed a sentence of the maximum sentence of 25 years to life in prison.



PEOPLE V JERRELL HENRY AND NATALIE JOHNSON



Edline Chun

On February 6, 2013, a Monroe County Pure Waters maintenance worker was performing a routine inspection of a tunnel line in a gated area of Tryon Park in the City of Rochester, when he discovered the body of a woman lying in the spillway. Upon inspection, it was discovered the woman had been shot twice in the head at close range, duct taped at the hands and feet, and then dumped down the ravine. A plastic Rubbermaid Tote was found nearby. The woman would later be identified as Edline Chun, an adjunct professor at the Rochester Institute of Technology.

One day after the discovery of Ms. Chun's body, members of the Rochester Police Department in conjunction with the New York State Department of Parole, identified a possible Person of Interest in Jerrell Henry. Henry was on parole for Robbery, and was the next door neighbor of Ms. Chun on Hazelwood Terrace. Henry, who had been released to Parole in December

of 2012, had been assigned an ankle bracelet which tracked his movements. With assistance from Parole, Investigators were able to look at Henry's movements around the time of the crime, and it was discovered that he was at Ms. Chun's residence on Super Bowl Sunday, February 3, 2013. It also showed that he was at Tryon Park the following day on February 4. Armed with this information, the Rochester Police Department started to track Mr. Henry's movements in real time.

Meanwhile, the Rubbermaid Tote found near Ms. Chun's body had been traced to a specific Walmart store. Using the UPC code found on the tote, video of the purchase was downloaded. The video showed Jerrell Henry and his girlfriend, Natalie Johnson, purchasing the tote, and Henry using gloves to handle it. Further examination of the tote itself revealed blood inside. DNA analysis showed that the blood was Ms. Chun's, further linking that tote to the scene of Ms. Chun's homicide. The duct tape which bound her, and garbage bags also found at the scene, were conclusively matched to a roll of duct tape and garbage bags found at Ms. Chun's residence. This evidence, along with blood spatter at her home, proved that she was killed there, and transported to Tryon Park.



Scene at Tryon Park. Note blue tote container.

On February 7, 2013, police were able to follow the ankle bracelet assigned to Jerrell Henry. A traffic stop was initiated, and Henry fled from the vehicle, and was later apprehended. Another female was arrested as the driver of the car. The car itself was found to be that of Ms. Chun, which had been missing since Sunday. In the back seat, where Henry had been seated, was a rifle, loaded with one round. The rifle was later found to be that of Ms. Chun, given to her by a friend years prior. Her friend testified that



Store surveillance video showing Jerrell Henry and Natalie Johnson after they purchased blue tote container.

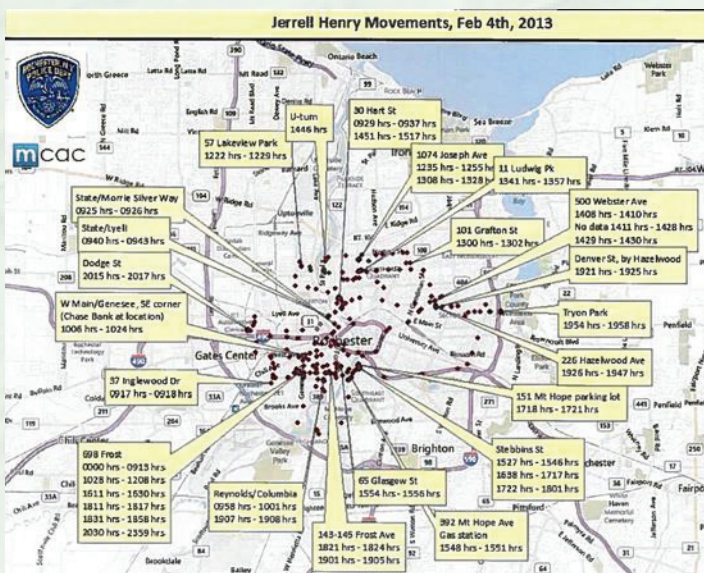
along with the gun, he had given her three bullets to go with it. Presumably, the first two were used to execute Edline Chun. The woman arrested with Henry, though not involved in Ms. Chun's death, would later tell Police that Henry had recruited her to cash checks for approximately \$18,000 dollars. The checks were Ms. Chun's personal checks, and were found in the car at the time of Henry's arrest.

The motive for this heinous crime turned out to be money. A witness close to Henry told police that Henry was looking “to rob his neighbor” and that afterwards “she wouldn’t be around anymore. Everyone involved would have to be eliminated.” A review of Ms. Chun’s phone records showed several calls to Citizens Bank on Sunday, February 3, and one call to the bank on Monday the fourth. Recordings of

those calls were obtained. The calls from Sunday were obviously made by Edline, under duress. As she is attempting to move money from one account, to another that was accessible by ATM, another whispering voice could be heard in the background. The call made on Monday, was clearly not Edline, and was in fact Natalie Johnson, pretending to be Edline, thus cementing the fact that Ms. Chun was already dead. With the help of the FBI, a historical cell site analysis was done, narrowing down the area in which these calls were made. The call on Monday was made from outside a school where Ms. Johnson's child was enrolled. At the same time the call was made, Henry's GPS bracelet placed him at the school, and video placed him and Natalie together at the school. A review of Red Light camera footage further corroborated Henry and Johnson's whereabouts at the time of the Murder.

Based upon all of the witness testimony, as well as the technological evidence, Assistant District Attorneys Perry Duckles and James Egan were able to prove that on Super Bowl Sunday, February 3, 2014, Henry and Johnson forced their way into Ms. Chun's home on Hazelwood Terrace. Once inside, they forced her to call her bank, in an attempt to transfer funds. When that didn't work, they made her sign checks. When that was complete, they executed her with her own rifle, and dumped her body the

following day in Tryon Park. This case was an excellent collaboration across all fields of law enforcement, to include the Rochester Police Department, Parole, Monroe Crime Analysis Center and the FBI. Henry was convicted after trial of Murder in the First Degree, and sentenced to Life without Parole. Natalie Johnson was sentenced after trial to 25 years to Life for her conviction to Murder in the Second Degree. This case served as a template for the blending of traditional police investigatory techniques, and the use of technology to obtain justice for our community, and will be the subject of an upcoming presentation in September to the National Association of Crime Analysts.



Tracking data from Henry's ankle bracelet linking him to crime scenes.

PEOPLE V. TAJH ANDERSON



Stacy Long

On October 13, 2005, fifteen year old Stacy Long left the Campbell Street Recreation Center and was cutting across the field outside to catch a bus home when he was shot four times with a handgun. The teen was found lying in that field with his backpack on and change for the bus in his hand. He was transported to Rochester General Hospital, where he died shortly after arrival. Long was believed to have witnessed a murder earlier that month, and was targeted to prevent him from testifying as a witness in that case.

It is believed that this case started the “stop snitching” code in the Rochester area, where witnesses refuse to cooperate with authorities because they fear retaliation. The death of Stacy Long sent a message that cooperating with law enforcement could result in death at the hands of those who were covering up the truth.

The Rochester Police Department did not have a lot of leads. The case remained active for more than five years, but during that time, not much information surfaced. In 2011 twenty-two year old Tajh Anderson, in prison on robbery and rape convictions, wrote a letter to the mother of his children. The letter detailed his involvement in the murder of Stacy Long. Anderson made efforts to destroy the portion of the letter that implicated him in the murder by crossing out and coloring that portion in but experts from various law enforcement agencies were able to reconstruct the correspondence and preserve Anderson’s written admissions.



Stacy Long's backpack as found near his body.



Campbell Street Recreation Center and the adjacent field.

evidence against Anderson as well as a taped recorded conversation from a cooperating witness. The jury convicted Anderson of Murder in the Second Degree. Judge Victoria Argento sentenced him to 15 years to life in prison, to be served consecutively with his sentences for rape and robbery.

Because Anderson was only fourteen years old when the incident occurred, he was tried as a juvenile offender. At trial, Assistant District Attorney Kyle Steinebach was able to use the written admission as his primary piece of



Alley near field where Long's body was discovered.



Montre Bradley

In the early morning of August 31, 2012, nineteen year old Montre Bradley or Tre, was peacefully waiting in a line with friends and others on the sidewalk outside of the Street Game shoe store on Chili Avenue in the Town of Gates. Each person in this group was planning to purchase a new line of sneakers when the store opened. Montre Bradley or Tre had recently graduated from high school, was enrolled in college, and on that day had gone from his job at Strong Memorial Hospital to wait for the shoe store to open.

The victims were seated on chairs on the sidewalk when a green Camry car brought the defendants Kesian McKenzie-Smith and William Wilkins to the scene. After asking the men in line how much the new sneakers cost, the defendants left the area of the store in the car and then returned to the scene on foot with a handgun. While brandishing the handgun, the defendants proceeded to rob and attempt to rob six people in that line, including two fifteen year-olds. The defendants fought with Montre Bradley over a cellular telephone, and during the struggle he suffered a gunshot to the abdomen. Montre Bradley collapsed in the parking lot, and was transported by ambulance to his place of employment, Strong Memorial Hospital, where he was pronounced dead. The defendants fled the scene on foot, leaving behind a hat.



Baseball hat left at the crime scene.

Surviving robbery victims called 911, and the Gates Police Department responded to the scene and interviewed those victims. The Gates Police found the defendant's abandoned Camry car in the parking lot of an apartment complex that was adjacent to the store plaza. At the scene of the murder, the police collected a hat which yielded DNA evidence that matched the DNA profile of Defendant William Wilkins. The police also secured a bank video that showed two men fleeing the scene. The police also found witnesses who identified the defendants.



Bank video showing defendants leaving scene(upper left).

A two week jury trial was conducted in Supreme Court by Timothy Prosperi, Second Assistant District Attorney and Sara VanStrydonck, Chief of the Child Abuse Bureau, and both defendants were convicted of all charges in the indictment, including Murder in the Second Degree, three counts of Robbery in the First Degree, and two counts of Attempted Robbery in the First Degree. Judge Francis Affronti sentenced each defendant to consecutive sentences with a term of 130 years to life.

PEOPLE V JERMAINE JOHNSTON

On June 26, 2012, Jamie Cuyler, 41, was riding his bicycle down Clifford Avenue. When he stopped for a moment, he was approached by a man who stabbed him in the chest and robbed him of his legally registered .380 pistol. Jamie survived the injury that he sustained in that attack. No one anticipated that the assault on Jamie would mark the beginning of eighteen days of terror in the City of Rochester.



Omar Lynch

One week later, on July 2, 2012, twenty-two year old Michael Ramos parked his car, then went into the Sana'a Food Market at the intersection of Clifford Avenue and Miller Street. After making a purchase and leaving the store, a man ran up to him and shot him once in the back of the head, behind his left ear. The man tore off Michael's gold chain before fleeing the area on foot. The shooting was captured by the store's video surveillance equipment. The gunshot wound entered the soft tissue at the back of Michael's head, but did not penetrate his skull. He survived his injury, and a .380 cartridge case was recovered from the scene.



Sana'a Food Market, Where Michael Ramos was shot.

Nine days later, on July 11, 2012, twenty-nine year old Omar Lynch was walking from his godmother's house on Renwood Street towards the corner of Clifford Avenue when a man approached him and shot him in the back of the neck. Omar was rushed to Rochester General Hospital (RGH), but was pronounced dead as a result of the gunshot wound shortly after arrival. A .380 cartridge case was recovered from the scene.



Bicycle stolen from Jamie Cuyler.

Since there were two shootings with a .380 pistol in the same general area separated by days, investigators from the Rochester Police Department (RPD) theorized that the crimes were linked. The cartridge cases from both scenes were submitted to the Monroe County Crime Laboratory for comparison. A Firearms Examiner was able to determine that markings on the cartridge cases matched each other, indicating that they were fired from the same gun.

At approximately 1:30 in the afternoon of July 13, 2012, a man with long dread locks who was dressed in camouflage approached Tommy King, 19, and Anthony Pearson, 24, in front of 25



Surveillance footage of Jermaine Johnston near scene where Tommy King was murdered.

Delamaine Drive to buy marijuana. When the purchase was complete, the man shot Tommy in the head and Anthony in the upper right arm and torso. Tommy died at the scene, and Anthony pretended that he was dead until the man fled towards Portland Avenue. Anthony flagged down a vehicle and was driven to RGH where he was treated. RPD investigators found two .380 cartridge cases at the scene.

That same day, the Crime Lab linked the cartridge cases from Delamaine Drive to the previous scenes at Clifford Avenue and Renwood Street. The investigation focused on the Clifford Avenue area. RPD Investigator Gary Galetta spotted a man fitting the description of the shooter sitting on the front porch of a house on Clifford Avenue within 40 minutes of the shooting. At

approximately 6:30 PM, while conducting surveillance on the house, a male fitting the description of the shooter was witnessed to leave in a vehicle with a woman. The vehicle was stopped, and the man's stated that his name was Jermaine Johnston, and that he was on his way to RGH to visit his girlfriend in the maternity ward. The RPD set up a photo array, which was presented to Jamie Cuyler, the victim of the stabbing on June 26th. Cuyler identified Johnston as his attacker.

At approximately 9:40 PM on July 13th, RPD located Jermaine Johnston in the maternity ward of RGH. He was visiting his girlfriend, who had delivered a stillborn baby. Johnston was taken into custody, and found to have a loaded .380 caliber gun in the waistband of his pants. That night, the Crime Lab determined that the cartridge cases from the scenes at Clifford Avenue, Renwood Street and Delamaine Drive were all fired from the gun that was found on Jermaine Johnston, who confessed to committing each crime.



Jermaine Johnston used the gun he stole from Jamie Cuyler to shoot Michael Ramos and Anthony Pearson and to kill Omar Lynch and Tommy King.

At the three and a half week trial, Julie Hahn, Chief of the Nonviolent Felony Bureau, and Assistant District Attorney Jennifer Hyatt introduced videos that placed Jermaine Johnston at the Clifford Avenue and Delamaine Drive scenes at the time of the shootings. In addition, a Firearms Examiner from the Crime Lab testified that the cartridge cases were all fired from the gun that Jermaine Johnston stole from Jamie Cuyler on June 26, 2012.

On October 3, 2013, the jury convicted Johnston of two counts of second degree murder, seven counts of criminal possession of a weapon, three counts of robbery, two counts of attempted murder, two counts of assault, and one count of attempted assault. On November 7, 2013, before imposing a sentence of 150 years to life in prison, Monroe County Court Judge James Piampiano told Johnston that his acts were unspeakable and that he had turned into a killing machine.

PEOPLE V. DARIUS BURSEY AND VAN COTTON

Eighteen year-old Lamar Shahid was a senior at Monroe High School. He wanted to be an electrician, and he was working hard toward that goal. He was close with his nieces, and had their names tattooed on his arm.

At approximately two o'clock in the afternoon on January 22, 2012, Lamar and his cousin, Keith Jackson, were at the home Keith had shared with his girlfriend and their children on Columbia Avenue in the City of Rochester when they were contacted by Darius Bursey, who wanted to see Keith and Lamar for some unknown reason. Darius Bursey was known to Keith Jackson. Upon the arrival of Darius Bursey and Van Cotton, the four men went into the kitchen to have a conversation away from the two women in the living room. At that time, Darius Bursey attacked first Keith Jackson, and then Lamar Shahid with a stun gun, while Van Cotton pulled out a revolver. A struggle ensued, and Keith and Lamar fled the kitchen and attempted to flee the house. Darius Bursey pushed Lamar Shahid down onto the living room floor as he chased Lamar and Keith, and then Darius Bursey continued to pursue Keith Jackson out the front door of the home. As Lamar Shahid attempt to get up off of the floor, Van Cotton approached from behind and fired one gunshot into the small of Lamar Shahid's back. The shot transected an artery, exiting Lamar's stomach. Lamar remained conscious for at least several minutes, even attempting to leave the house, but ultimately ended up off of the front stoop and passed out in the driveway of the home while bleeding to death. Keith Jackson borrowed a cell phone from a customer at the nearby corner store and called 911, as did one of the two women who observed the shooting in the living room of the home.



Keith Jackson's home, where Lamar Shahid was shot

When officers from the Rochester Police Department (RPD) arrived at the scene, they found Lamar lying outside near the front steps of the home. He was rushed to Strong Memorial Hospital, where he died as a result of the gunshot wound. Keith Jackson suffered only the burns from the stun gun in the altercation. After the gunshot, according to eyewitness testimony, Darius Bursey drove Lamar Shahid away from the scene.



Lamar Shahid left the house through the front door.

Keith Jackson informed RPD of the identity of Darius Bursey, and the day after the shooting, again called RPD to advise them that he had learned the street name of the shooter: "Fat Boy." Meanwhile, word on the street spread that police were looking for twenty-three year old Darius Bursey as a suspect. Upon hearing that news, Bursey turned himself in to police on February 2, 2012. Investigators then began searching for a second suspect, twenty-three year old Van Cotton who police knew to go by "Fat Boy."

It is believed that Van Cotton never returned to the Rochester area after the shooting until he was in police custody. He is believed to have spent time in Florida and Georgia before arriving in Mecklenburg County, North Carolina, where he was apprehended while sleeping in the back of a friend's SUV in the parking lot of an apartment complex. Police approached the vehicle based upon the odor of marijuana emanating from it to find Van Cotton asleep in the vehicle. He was armed at the time.

On October 10, 2012, Bursey and Cotton were each indicted on charges of second degree murder and second degree criminal possession of a weapon. Despite the reluctance of eyewitnesses to cooperate, Assistant District Attorney Brian Green proceeded to trial in May of 2013 and proved to the jury what occurred in the house on Columbia Avenue. Additionally, with the assistance of professionals from Verizon Wireless and AT&T, as well as Special Agent Bastian Freund of the FBI, ADA Green used historical cell-site data (the logs of when and where various cell phones used and transferred to-and-from various cell towers) to show the jury the exact time and route of Darius Bursey and Van Cotton not only to and from the crime scene, but also out of the Rochester area, Southbound on Route 390 immediately after the shooting. Dr. Paul Gosink, a Forensic Pathologist at the Monroe County Office of the Medical Examiner, was able to use graphics from medical texts and photographs of the stun gun's burn marks on Mr. Shahid to corroborate Keith Jackson's version of events. On May 23, 2013, Bursey and Cotton were convicted of first degree manslaughter.

Monroe County Court Judge James Piampiano sentenced Darius Bursey to 18 years in prison and Van Cotton to 20 years in prison on June 27, 2013.

After the trial, Keith Jackson, his girlfriend, and their children had to be moved out of state as a result of threats made to them. Their youngest child, born after the murder of Lamar Shahid, is named Lamar.



THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE

MAJOR FELONY BUREAU

The Major Felony Bureau prosecutes career criminals and violent felony offenders for crimes including robbery, burglary, and assault. Homicide prosecutions are also frequently assigned to attorneys within this bureau. In 2013, the Major Felony Bureau took in 833 new cases. Seven hundred sixty-nine cases were closed, with a conviction rate of 95%. Attorneys assigned to the Major Felony Bureau prosecute some of Monroe County's most dangerous criminals and are among the most seasoned prosecutors employed by the District Attorney's Office. Perry Duckles, the Chief of the Major Felony Bureau, oversees nine specialized prosecutors and reports directly to the First Assistant District Attorney Kelly Wolford. Veteran prosecutor Patrick Farrell serves as Deputy Chief of the bureau.

Bureau Chief Perry Duckles

Perry Duckles, Chief of the Major Felony Bureau, has been a member of the Monroe County District Attorney's Office since 2003. During that time, Mr. Duckles served in both the Local Courts Bureau and the DWI Bureau, becoming Chief of the DWI Bureau in 2009 where he compiled an impressive list of successful prosecutions. In January of 2012, Mr. Duckles was appointed Chief of the Major Felony Bureau by newly elected District Attorney Sandra Doorley, where he oversees the prosecution of some of the County's most violent crimes.



A native of Monroe County, Mr. Duckles has served as the liaison to the Rochester Police Department for all gang prosecutions and has lectured at the Police Academy on a variety of issues. He has also lectured at various continuing legal education programs for the Monroe County District Attorney's Office and New York Prosecutors Training Institute, and serves as the Office's primary liaison for several cross-organizational law enforcement initiatives. Perry Duckles performed his undergraduate studies at the University of Buffalo and graduated from the State University at Buffalo School of Law.



PEOPLE V. VERNIEL WILSON

At approximately 7:30 PM on February 13, 2013, a young man, Adam Cluts, was waiting at a bus stop at the corner of Dewey Avenue and Driving Park Avenue in the City of Rochester on his way home from work when he was approached by three men in hooded sweatshirts. The main person, a young black male with braids, had a gun in his hand. The armed person robbed Mr. Cluts of his wallet and cell phone, and then all three men fled on foot. Another man who was also waiting for the bus and witnessed this incident, called 911 to report what he saw.

Within minutes, these three men attempted to rob two female teenagers less than a block away from the first incident, when they were interrupted by officers from the Rochester Police Department (RPD). The subjects fled the scene and ran through backyards to try and escape from the police. The officers obtained descriptions of the suspects from the victims and eyewitnesses, and quickly set up a perimeter to prevent the suspects from escaping the area.

A short time after the attempted robberies, RPD officers recognized Verniel Wilson in the area of the robberies as matching the descriptions provided to them, and arrested him. He was walking down the street in the middle of winter wearing only a T-shirt. Even though he had discarded his sweatshirt and gun, he was quickly identified by all of the victims as the main person involved in the robbery, and the one who had the gun.

At Wilson's five day trial in September, Assistant District Attorney Patrick Gallagher presented the eyewitness testimony of the victims and witnesses along with the Officers who arrested the defendant and took his statement, to prove that Wilson was the perpetrator of the robbery and the attempted robberies. On September 20th, the jury found him guilty of 1st Degree Robbery, 2nd Degree Robbery, and 2nd Degree Attempted Robbery. On November 1st, Monroe County Court Judge Douglas Randall sentenced Wilson to 11 years in prison.



Bus stop at the corner of Dewey Avenue
and Driving Park Avenue

PEOPLE V JOSE ABRIL, JUSTICE MOSS, NEGUS DESOUZA, AND MARCOS MUNOZ THE “BEACH BOY” GANG

The “Beach Boy” gang was a group of teenagers who were suspected in numerous burglaries at businesses (mainly of electronics stores) all over Monroe County. Four of the teenagers were brought to justice for the crimes described here, all prosecuted by Assistant District Attorney Patrick Farrell.

On April 10, 2013 at 3:22 AM, 17 year old Jose Abril broke into the Sprint Store located at 1315 East Ridge Road in the Town of Irondequoit by smashing out a window with a concrete block. Once inside the store, he stole an iPhone 5 valued at \$655.00 and an attached security device valued at \$100.00. Abril was caught when a latent fingerprint on a display case near the point of entry was determined to be his. On October 30, 2013 Abril pled guilty to 3rd Degree Burglary before NY State Supreme Court Justice Thomas Moran. On January 6, 2014 he was sentenced as an adult to 1.5 to 4.5 years in prison.

On April 25, 2013 at approximately 8:00 AM, 16 year old Justice Moss and 17 year old Negus Desouza robbed a man in Brighton using a BB gun. During the robbery they struck the victim in the head with the BB gun. Moss and Desouza were charged after a joint investigation by the Brighton Police Department and the Rochester Police Department. On July 30, 2013 Justice Moss pled guilty to 2nd Degree Robbery before Monroe County Court Judge Douglas Randall and he was ultimately sentenced as an adult to 3.5 years in prison plus 5 years post release supervision. On September 3, 2013 Negus Desouza pled guilty to 2nd Degree Attempted Robbery before Judge Randall and was sentenced as an adult to 2 years in prison plus 2 years post release supervision.



Marcos Munoz stole electronic equipment from this store.



After being struck in the head with a BB gun in Brighton, the victim bled on this pavement.

On April 25, 2013 at approximately 4:37 AM, 19 year old Marcos Munoz broke the front glass door at the Radio Shack store located at 1100 Jefferson Road in the Town of Henrietta and stole electronic equipment. Munoz was charged after an investigation by the Monroe County Sheriff's Office with assistance from the Rochester Police Department and Brighton Police Department. On October 3, 2013 Munoz pled guilty to 3rd Degree Burglary before Monroe County Court Judge James Piampiano. On November 7, 2013 he was sentenced as an adult to 3 to 6 years in prison.

Friday, April 20, 2012 was an uncharacteristically warm day in the City of Rochester, with a high temperature in the eighties. Spring fever had people flocking to the popular restaurants and bars on East Avenue and Park Avenue.

After the sun had set and most of the crowds cleared, at approximately 2:40 AM on Saturday, April 21st, a car pulled up to a male pedestrian who was walking alone back to his apartment on Buckingham Street. Two men got out of the car and, using a handgun to threaten the pedestrian, made off with his cell phone and cash from this wallet. The pedestrian was able to provide a detailed description of the vehicle, a late 1990's tan Nissan Maxima with factory spoiler on the trunk, to officers from the Rochester Police Department (RPD).

Minutes after the first robbery, the car drove up to a second pedestrian, a man walking alone back to his friend's apartment, this time on East Avenue. As in the first case, two men got out of the car and used a handgun to threaten the pedestrian and made off with the man's cell phone and money.

While the second robbery was occurring, RPD Officers were canvassing the area for a vehicle matching the description given by the first victim. Officers located that vehicle one block away from the ongoing second robbery. Shearard Griffin was waiting in the driver's seat in the parked, running car with the victim's cell phone from the first robbery.

Griffin was arrested on April 20, 2012 and indicted on charges of two counts of Robbery in the First Degree and two counts of Robbery in the Second Degree. Shearard Griffin was prosecuted by Assistant District Attorney Christine Callanan. After a jury trial commencing June 4, 2013, Shearard Griffin was found guilty of two counts of Robbery in the First Degree and two counts of Robbery in the Second Degree

Judge Thomas E. Moran sentenced Griffin to 12 years in the Department of Corrections with 5 years Post Release Supervision.

PEOPLE V AYOTUNJI AKINLAWON

In August 2012, Anthony Washington and Felicia Griffin decided to sell some items on Craigslist to raise money for the down payment on an apartment. On August 10th, they were contacted by sixteen year old Ayotunji Akinlawon, who told the couple that he was interested in some of their items and arranged to meet them at a house on Warwick Avenue in the City of Rochester. Upon arrival, they were met by Akinlawon and an unidentified male. After Anthony entered the home with three bins of items, Akinlawon pulled out a handgun. During the altercation, Anthony saw an opportunity to flee, and ran out the front door. He stopped a car a few blocks away and called police. Akinlawon went back outside and forced Felicia into the house. She was clever enough to dial 911 on her phone and leave an open line so the ensuing conversation was recorded by the Office of Emergency Communications. During the crime, several electronics and Anthony's wallet were taken by the two men. Neither man was known to Anthony or Felicia before this incident, and they fled prior to police arrival, so there was no arrest made that night.

In early October 2012, Anthony was working as a bouncer at One nightclub. Akinlawon had used his brother's driver's license to gain entry to the club on an 18+ night. As he patrolled the club, Anthony spotted Akinlawon near the bathrooms. He alerted his manager, who summoned the police, and Akinlawon was taken into custody.



Items that Anthony Washington and Felicia Griffin advertised on Craigslist.

While preparing for trial, Assistant District Attorney Jennifer Hyatt and Investigator Joe Dominick found additional evidence to corroborate Anthony's version of events. The day before the robbery, on August 9th,

Akinlawon called the probation office to report that he had a new cell number - the same number used to set up the robbery. Verizon phone records for Anthony's account showed the calls between Anthony and Akinlawon on August 10th and the records matched Anthony's recollection of the communication between the two and the timeline. Prior Rochester Police Department prisoner data reports and field information forms also tied Akinlawon to Warwick Avenue; he lived on that street with his mother for many years, though he was residing in Chili in August 2012. Investigator Dominick located the resident of the Warwick location at the time of the robbery. That man had refused to speak with police, but was willing to talk with Dominick. His statement corroborated Anthony's version of events and identified Akinlawon as one of the perpetrators.

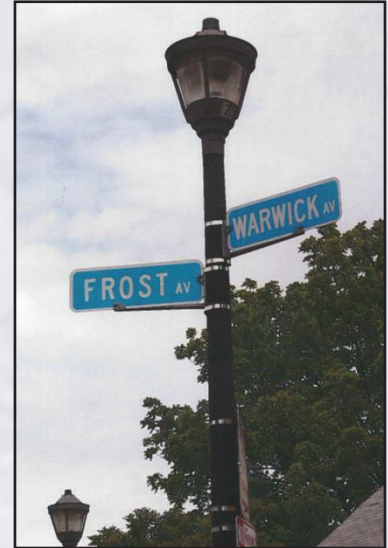
Turning that information over to the defense caused Akinlawon to panic and he wrote an incriminating note



The house on Warwick Avenue where Akinlawon met his victims.

to a jail deputy. The note requested that the deputy make a phone call to a particular phone number and was, essentially, a script of what to say. Akinlawon wanted to make sure Anthony and Felicia did not show up for court. The note referenced “deadly evidence” against him. Jail video and phone records confirmed that Akinlawon had been trying to call that same phone number on multiple occasions, but the calls were never accepted.

The case was originally scheduled for trial in June 2013. In the week prior to trial, Akinlawon demanded that he be given a new attorney. Monroe County Court Judge James Piampiano conducted an extensive inquiry into reasons for the request, but they did not meet the grounds for appointment of private counsel. Akinlawon was told the only way he would be given a new attorney is if he hired one. Over the following weekend, Akinlawon sent his attorney, Andre Vitale of the Public Defender’s Office, an envelope with a white powdery substance contained inside. It arrived at the PD’s office after a jury had been selected and sworn that Monday. Vitale had to withdraw from the case and a mistrial was declared. In the weeks following the mistrial, Akinlawon was charged with two counts of Assault 2nd for assaulting two jail deputies and Promoting Prison Contraband in the First Degree for hoarding pills. He also made vivid and specific verbal threats against many of the jail deputies.



On the basis of the new charges, the specific threats, and his prior behavior in court, ADA Hyatt requested that Akinlawon be shackled during the trial. Judge Piampiano ordered a hearing to determine whether he would grant the request. The social worker to whom Akinlawon had made the specific threats testified, along with Sgt. McGowan, head of jail discipline. His testimony included the statistic that the average rate of disciplinary infractions among inmates is .25%, meaning that one out of every four inmates will have one disciplinary infraction. At that time, after approximately ten months in the Monroe County Jail, Akinlawon had over thirty. Judge Piampiano made the decision to grant the People’s request and the defendant was shackled during the trial and plastic covering were placed on both attorney tables in the courtroom to minimize visibility of the restraints to the jury.

On August 21, 2013, after a seven day trial, a jury convicted Akinlawon of first degree robbery. Judge Piampiano sentenced him to 15 years in prison plus 5 years post release supervision and 1 1/3 to 4 years in prison, to be served consecutive, on a violation of probation charge. Akinlawon pled guilty to one count of Assault 2nd on March 13, 2014 and was sentenced to 2 years in prison with 1.5 years post release supervision, to be served concurrently to the robbery sentence.

PEOPLE V MICHAEL TYLER, ANTHONY LEWIS AND THERESA THOMAS

On June 1, 2011 a man was attacked as he worked alone at his small pharmacy in the City of Rochester. During the afternoon hours, two men came into the pharmacy; pistol whipped the victim and demanded to know where the safe was located. The victim directed them to the rear of the pharmacy and ran outside yelling for help as soon as the men went to find the safe. Hearing the victim's cries for help, the men fled the pharmacy without any property.

After 911 received a call reporting the incident, officers from the Rochester Police Department responded to the scene and interviewed the victim, who stated that he did not know the two men but believed he could identify them. After further investigation by the Rochester Police Department, the victim identified Michael Tyler and Anthony Lewis in separate photo arrays as the two men who tried to rob him. Ultimately, both men were indicted for the crimes of Attempted Robbery in the First and Second Degree.

After the men were indicted, the victim informed Assistant District Attorney Kevin Fitzgerald that he forgave the men who tried to rob him and that he no longer wanted to pursue charges. When it became clear that the case was going forward anyway, the victim started to back off of the identifications that he had made in successive telephone conversations. Ultimately, the victim recanted his identifications of Michael Tyler and Anthony Lewis during Court-ordered line-ups. When questioned throughout this process, the victim vehemently denied being threatened in any way but his demeanor both in person and over the phone belied this claim.

The recantation of the victim's identifications almost resulted in dismissal of the case. Prior to deciding whether to dismiss the indictment, District Attorney Investigator Joe Dominick was tasked with conducting a follow-up investigation which determined that the victim was being harassed by Michael Tyler's girlfriend, a woman by the name of Theresa Thomas. The victim ultimately revealed that Ms. Thomas' efforts to get him to drop the charges included threatening his business and that he was so fearful of reprisal he recanted his identifications of both men, though he was certain they were the ones who tried to rob him.

On December 6, 2012, after successfully withstanding motions to dismiss the indictment, Michael Tyler and Anthony Lewis each pled guilty to Attempted Robbery in the Second Degree and each waived their right to further appeal the case or raise additional challenges to the prosecution. On March 7, 2013, Judge John DeMarco sentenced Anthony Lewis to 2 years in prison with 1 ½ years post release supervision. On April 3, 2013, Judge DeMarco sentenced Michael Tyler to 3 ½ years in prison with 5 years post release supervision.

Because she had threatened the victim and almost caused the case to be dismissed, Theresa Thomas was successfully prosecuted by ADA Fitzgerald in Rochester City Court on a charge of Tampering with a Witness in the Fourth Degree. On February 10, 2014, Judge Teresa Johnson sentenced Theresa Thomas to 9 months in the Monroe County Jail.

THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE NON-VIOLENT FELONY BUREAU

The Non-Violent Felony Bureau prosecutes felony cases that do not involve bodily harm or the threat of bodily harm to victims. These crimes include, but are not limited to, burglary, auto theft, grand larceny, felony criminal mischief, and fraud cases not prosecuted by another specialized bureau. In 2013, the Non-Violent Felony Bureau took in and closed 1,119 new cases, with a conviction rate of 91%. Julie Hahn, the Chief of the Non-Violent Felony Bureau, oversees five specialized prosecutors and reports directly to First Assistant District Attorney Kelly Wolford.

Bureau Chief Julie Hahn

Julie Hahn, Chief of the Non-Violent Felony Bureau, has been a member of the Monroe County District Attorney's Office since 1999. During that time, Ms. Hahn has served in the Local Courts, DWI, and Major Felony Bureaus, serving as Chief and Deputy Chief respectively during her career. In January 2012, Ms. Hahn was appointed Chief of the Non-Violent Felony Bureau by newly elected District Attorney Sandra Doorley where her trial skills, organizational abilities, and experience in a wide variety of cases have served to fortify this important area of prosecution.



A native of Rochester, NY, Ms. Hahn is a member of the Italian American Law Enforcement Officers of Greater Rochester, the Greater Rochester Association for Women Attorney's, and the Justinian Order of St. John Fisher College. In addition to these roles, she has served as a member of the faculty at St. John Fisher College and has taught courses for multiple law enforcement agencies within Monroe County, including the Rochester Police Department and the District Attorney's Office. Julie Hahn performed her undergraduate studies at St. John Fisher College and received her Juris Doctorate from the University of Buffalo.



PEOPLE V. DAVID VILLASMIL

Between January 2, 2012 and February 12, 2013, David Villasmil was employed as a manager at Abercrombie & Fitch (A&F) at the Marketplace Mall in Henrietta. During that time period, he was on probation for a 4th Degree Grand Larceny Conviction after he was caught printing false receipts and stealing items from Best Buy. While working at A&F, Villasmil would scan items from the store or just enter their SKU and make a false return. The return credit was then placed on a gift card which he retained and later sold online to Plastic Jungle for a personal profit.

Store Brand	Store #	GC Issue Dt	GC Issue POS Trxn #	Cashier Emp #	Assoc Purch Emp	GC Issue #	GC Issue Amt	GC Pymt Method
Abercrombie & Fitch	10558	9/30/2011	30000856	01303165		6055430573497566	30.48	Merch Credit
Abercrombie & Fitch	10558	9/11/2011	20006752	01303165		6055430574611783	69.54	Merch Credit
			20006747	01303165		6055430575314435	10.30	Merch Credit
Abercrombie & Fitch	10558	9/9/2011	20006655	01303165		6055430575336987	40.37	Merch Credit
Abercrombie & Fitch	10558	9/4/2011	30008929	01303165		6055430573619109	61.90	Merch Credit
Abercrombie & Fitch	10558	8/28/2011	20005302	01303165		6055430575419241	16.46	Merch Credit
Records of the gift cards that David Villasmil issued to himself								
Abercrombie & Fitch	10558	8/26/2011	30007882	01303165		6055430571989808	39.65	Merch Credit
Abercrombie & Fitch	10558	8/21/2011	20004747	01303165		6055430571422880	40.37	Merch Credit

While conducting an internal audit of gift card sales, A&F noticed an unusual pattern of Villasmil issuing a large number of gift cards for high dollar amounts. They contacted the Monroe County Sheriff's Office (MCSO) to investigate. The MCSO reviewed surveillance video from the store, which showed that there was not a customer returning the merchandise, just Villasmil scanning the items and issuing credit onto gift

cards. All of the questionable transactions occurred under Villasmil's employee ID. Plastic Jungle kept a record of each gift card they purchased from David Villasmil and the amount they paid him via his PayPal account. The records demonstrated that Villasmil defrauded Abercrombie of over \$10,000. Villasmil ultimately confessed his actions in writing.

Assistant District Attorney Laura Vanderbrook prosecuted the case for the People. In 2013, a Grand Jury indicted Villasmil on charges of 3rd Degree Grand Larceny and 1st Degree Falsifying Business Records. On January 9, 2014, Villasmil pled guilty to the top count of 3rd Degree Grand Larceny. As part of his plea the he paid full restitution to Abercrombie & Fitch.

On March 21, 2014 Judge James Piampiano sentenced twenty-eight year old Villasmil, a second felony offender, to 2-4 years in prison.

Order Status	ITEM_COMPLETED	
Row Labels	Sum of PJ Paid JV	Sum of Card Balance
PJ200032822	783.89	922.22
PJ200177685	347.3	428.76
PJ200177687	770.08	950.71
PJ200348048	931.84	1331.2
PJ200426355	747.78	934.72
PJ200426357	388.8	486
PJ200441490	604.02	755.02
PJ200450794	385.54	481.92
PJ200451780	371.11	463.89
PJ200452890	277.82	347.28
PJ200456863	203.01	253.76
PJ200468865	607.74	759.68
PJ200476842	263.49	329.36
PJ200534249	283.46	354.32
PJ200549809	128.13	160.16
PJ200567884	325.63	407.04
PJ200572309	415.49	519.36
PJ200599304	324.29	405.36
PJ200600856	348.93	436.16
WS423239	412.01	496.4
Grand Total	8920.36	11223.32

Records from the Plastic Jungle

PEOPLE V. JONATHAN ELIAS

Located on Clifford Avenue in the City of Rochester, Savoia Pastry Shoppe is a popular place to purchase Italian baked goods. On August 7, 2012, a man threw a rock through the glass door of the popular bakery and stole a cash register. A security camera captured the perpetrator climbing through the broken door, taking the register, and then cutting himself on glass from the door while exiting the bakery. The Rochester Police Department responded after the security alarm was activated. Police officers followed a trail of blood to a dumpster where they recovered the broken cash drawer. They continued to follow the blood trail, which led them to the residence of thirty-one year old Jonathan Elias, who was found to have multiple incised wounds, consistent with those caused by broken glass. They police also found cash that was taken from the bakery.

Elias, and alcoholic, pled guilty to Burglary in the 3rd degree and entered the Judicial Diversion Program (JDP). The JDP allows certain offenders who have chemical addictions and commit crimes to support their habit to enter into closely monitored rehabilitation, with the goal of helping them to become productive members of the community. If they succeed in the program, the charges against them and the associated penalties can be reduced. A short time after entering the JDP, Elias began to drink again. He failed to make his court dates, so a bench warrant was issued for his arrest.

Failing in his rehabilitation efforts and desperate for cash, Jonathan Elias went on a burglary spree on Monday, December 9, 2012. At approximately 8 PM that evening, he broke the back door to Guido's Pasta Villa on East Ridge Road, went inside and proceeded to steal a bottle of peppermint schnapps. After exiting the restaurant, he drank the entire bottle of schnapps and discarded it near some train tracks. Elias returned to Ridge Road at approximately 10:30 PM. A security camera recorded him mule-kicking the front window out of the Roc Gold Pawn Shop, breaking the glass cases, and taking watches, coins and jewelry. Just as in the robbery of Savoia, Elias once again cut himself on the broken glass. The Irondequoit Police Department viewed the video while Elias proceeded to the Target store near the Medley Center. Video surveillance captures him inside the Target store, bleeding and throwing display cushions into the garbage. He is also seen wiping blood off of himself. The IPD recovered jewelry and coins from Target which had fallen out of Elias's pockets. By 11:30 PM, Elias made his way to a doctor's office on Portland Avenue, where he stole candy bars, uncashed checks, and hypodermic needles. By this time, an All-Points Bulletin went out describing Elias's clothing as viewed from Roc Gold cameras (pea coat, knit cap, blue jeans and white shoes).

The IPD spotted an individual near an overpass of Route 104 at Portland Avenue which matched the description of the perpetrator. Elias was arrested, booked and searched. Much of the stolen property, including candy bars, hypodermic needles and uncashed checks, was found on his person. Elias gave a full confession to IPD Investigator Steven Rosenbaum.

Assistant District Attorney Eric Hurd prosecuted the case for the People. Jonathan Elias pled guilty to one count of Burglary in the 3rd degree on September 10, 2013. On October 8, 2013, Justice Francis Affronti sentenced him to the maximum sentence of 3 1/2 to 7 years in prison.

PEOPLE V. JAMONE ALEXANDER

LDA Life and Learning Services is a non-profit agency that helps individuals with learning or developmental disabilities to achieve success in their lives. One of the services that was available in 2010-2011 was assistance with personal finances. During that time period, the victim, an elderly and mentally disabled man, had a caretaker, Louise Battey. Jamone Alexander worked as a liaison between the disabled man, Ms. Battey, and LDA Life and Learning Services. Alexander was in charge of the victim's funds, as he was unable to handle his own finances. Alexander stole hundreds of dollars over time and falsified LDA records so it looked like the victim had an appropriate amount of money in his bank account.



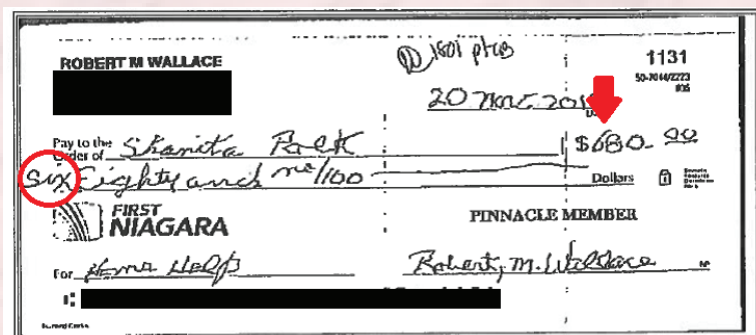
When LDA phased out their financial assistance program, the account was transferred to a different service provider who handled the victim's finances. The new provider noticed that the bank account balance did not match the financial records. It became apparent that Alexander had created false documents to cover his ongoing theft. Alexander denied any wrongdoing, and instead blamed Ms. Battey for the loss.

Assistant District Attorney Bianca D'Angelo prosecuted the case for the People. After a jury trial in which Alexander testified on his own behalf, he was convicted of four counts of Falsifying Business Records and one count of Petit Larceny on July 11, 2013. On September 12, 2013, Judge James Piampiano sentenced thirty-four year old Alexander to 5 years of probation and 200 hours of community service with elderly/disabled people. He was also ordered to pay over \$1,800 in restitution to the victim.

PEOPLE V. SHANITA POLK

Shanita Polk was a registered LPN hired as a home healthcare aide for the Wallace family, who resided in the Town of Henrietta. She was hired by Robert Wallace, a retired Navy Vet in his eighties, to assist him in caring for his wife who suffered from dementia. Ms. Polk often worked the night shift and would mostly handle the medications for both Mr. and Mrs. Wallace. In October of 2012, Ms. Polk began altering the checks she was given as payment by Mr. Wallace. An example of an alteration that she made was that she changed one check that Mr. Wallace wrote her for \$50 to \$1,500. She also stole blank checks and wrote them out payable to herself. The checks that she completely forged were in amounts as high as \$5,000. From October 2012 to February 2013, she either altered or completely forged a total of twelve checks. Ms. Polk stole over \$30,000 from Mr. Wallace over the course of those few months.

The theft was discovered by Mr. Wallace upon balancing his checking account in March 2013. When he confronted Ms. Polk she admitted to him what she had done and agreed to pay him back if he did not go to the police. Mr. Wallace agreed and Ms. Polk made a payment of \$500 to him. She never paid him back anything else. Mr. Wallace told his daughter-in-law, Amy, what had happened and Amy (who also employed Ms. Polk to care for her son) confronted Ms. Polk, who admitted to the theft via text message and stated that she had a gambling problem. Amy and Robert then contacted the Monroe County Sheriff's Office to have her investigated.



Shanita Polk changed the value of this check from \$80 to \$680 before cashing it.

Copies of each of the checks that were altered and/or forged were proof of her crimes. Bank records and video for each transaction showed Ms. Polk as the individual cashing the checks. The bank records show that Ms. Polk presented her driver's license when making transactions. Some of the money was deposited into an account registered to her name. Assistant District Attorney Laura Vanderbrook prosecuted the case for the People.

On July 25, 2013, Ms. Polk was indicted by a Monroe County Grand Jury on one count of Grand Larceny in the Third Degree and twelve counts of Criminal Possession of a Forged Instrument in the Second Degree. On January 28, 2014, thirty-five year old Shanita Polk pled guilty to Grand Larceny in the Third Degree before Judge Winslow. That day, she was sentenced to 12 work weekends and five years of probation. As a part of her sentence, Ms. Polk surrendered her nursing license and is required to pay back restitution of \$30,200. Mr. Wallace was reimbursed by his banks, so the restitution she owes will be paid to First Niagara and Chase.

THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE MOTOR VEHICLE THEFT & INSURANCE FRAUD PROSECUTION PROGRAM

A subunit of the Non-Violent Felony Bureau, the Motor Vehicle Theft and Insurance Fraud Prosecution Program (MVTIF) targets the twin problems of motor vehicle theft and auto insurance fraud through a grant from the State of New York. Fully staffed and operational since 2004, the MVTIF Program prosecutes the majority of stolen vehicle and insurance fraud cases involving motor vehicles for the District Attorney's Office. The grant funding, which in 2013 totaled \$117,054, comes directly from the New York State Division of Criminal Justice Services (DCJS) and is used to fund the salaries of one full-time Assistant District Attorney and one District Attorney Investigator whose principal function is to prosecute MVTIF Program cases. Both the prosecutor and the investigator assigned to the project receive substantial levels of specialized training on a continuing basis regarding the techniques of auto thieves, the various and ever-changing scams in which they engage, and the best practices for successful investigations and prosecutions of offenders. In addition to the prosecutorial functions of the MVTIF Program, those assigned to the program also track and report the characteristics of stolen motor vehicles, including make, model, and geographic location of thefts for use by local law enforcement agencies and for study by state organizations such as DCJS.

Since the introduction of the MVTIF Program, motor vehicle thefts in Monroe County have declined drastically, from 4461 reported thefts in 2003 (the year before the program's introduction) to 1044 in 2011, with 745 of those vehicles returned to their owners intact. In fact, each year since 2004 has witnessed a substantial reduction in motor vehicle related crimes from the year prior, a clear indication that this grant-funded program has made a significant impact. In addition to criminal prosecutions, the program has funded informational brochures for the public explaining both theft prevention methods as well as consequences for committing insurance fraud.

Funding received for this and all grants are included in the annual operating budget of the District Attorney's Office.



FACT

The #1 cause of motor vehicle thefts in Monroe County: Keys being left in vehicles.

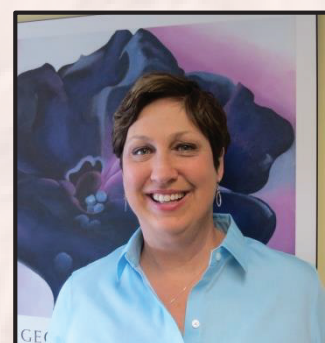
THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE SPECIAL VICTIMS TRIAL DIVISION

Formed in January 2012, the Special Victims Trial Division is a collation of four similar but independent bureaus that prosecute crimes committed against our community's most vulnerable victims while also remaining sensitive to the unique issues and dynamics associated with sexual assaults and abuse. Part of District Attorney Sandra Doorley's promise to renew the Office's commitment to victim rights and care, this newly created division includes the restructured Child Abuse Bureau, Sex Crimes Bureau, Domestic Violence Bureau, and Elder Abuse Bureau. Rather than consolidating these four important functions of the District Attorney's Office, the Special Victims Trial Division creates four independent bureaus while allowing prosecutors who specialize in certain areas of the law to receive direct support from colleagues with associated legal expertise and to utilize best practices to minimize the trauma suffered by victims of these crimes. The bureaus composing the Special Victims Trial Division collectively took in 947 new cases in 2013. The Division closed 958 cases, with a 91% overall conviction rate.

The fourteen prosecutors of the Special Victims Trial Division are overseen by veteran Division Chief Mary Randall. Assistant District Attorney Andra Ackerman serves as Deputy Chief of the Division.

Division Chief Mary Randall

Mary Randall, Chief of the Special Victims Trial Division, returned to the Monroe County District Attorney's Office in 2012 after having spent 11 years as an attorney in private practice concentrating on Family Court matters. In addition to her thorough understanding of Family Court, Ms. Randall has extensive experience in the criminal courts of Monroe County, having served as a prosecutor in the Monroe County District Attorney's Office for over a decade. In her previous tenure, Ms. Randall served in Major Felony Bureau, where she was called upon to try some of the bureau's most challenging cases.



Mary Randall is a frequent lecturer for police training as well as an active member of the Monroe County Bar Association. In addition, she is active with several outreach organizations including the Program Committee at Bivona Child Advocacy Center, the Domestic Violence Consortium, the Criminal Justice Section Committee, and the Rochester Against Child Abuse Network Committee. Ms. Randall performed her undergraduate studies in Criminal Justice at the Rochester Institute of Technology and received her Juris Doctorate from the University of Dayton School of Law.

Child Abuse Bureau

Headed by Sara Vanstrydonck, the Child Abuse Bureau is responsible for prosecuting all cases involving the serious physical and sexual abuse of children, as well as crimes involving child neglect and/or endangerment. Prosecutors working within the Child Abuse Bureau work closely with community and service organizations including investigative agencies, child protective services, and local child advocacy centers to help children and their families navigate through the court system and minimize trauma to victims.

Sex Crimes Bureau

Headed by Elizabeth Buckley, the Sex Crimes Bureau investigates and prosecutes cases involving adult sexual assaults and other related crimes. This Bureau is comprised of trial attorneys with specialized knowledge and training in sex crimes, and prosecutors who work for the Sex Crimes Bureau work closely with victim advocates who support the victim throughout the criminal process in an effort to minimize trauma.

Domestic Violence Bureau

Headed by William Gargan, the Domestic Violence Bureau is responsible for prosecuting cases involving crimes characterized as abuse between family and/or intimate partners. Crimes that would typically be prosecuted by this bureau include the felony classifications of criminal contempt, Aggravated Family Offenses, assault, stalking, kidnapping, criminal mischief, and burglary in addition to related misdemeanor offenses. Prosecutors working within this bureau partner with many Domestic Violence consortiums and agencies at both the local and State level in an ongoing effort to support victims and reduce incidences of Domestic Violence.

Elder Abuse Bureau

Headed by Monica O'Brien, the Elder Abuse Bureau prosecutes crimes against the elderly. This includes violent and nonviolent felonies with a focus on physical abuse, property crimes, and financial exploitation where the victim is targeted based on their advanced age. This bureau works with various agencies, including the Victim Witness Bureau, to ensure that the needs of victims are being met throughout the criminal proceedings and beyond.

Human Trafficking

by Andra Ackerman, Deputy Chief of the Special Victims Trial Division

Sex trafficking occurs when people are forced or coerced into the commercial sex trade against their will. Sex traffickers typically target vulnerable people, often minors with histories of abuse, and then use seduction, coercion, violence, threats, lies, drugs, false promises, or other forms of control and manipulation to keep their victims involved in the sex trade until they are done with them. Victims can fall prey to traffickers in many ways, including but not limited to, false advertisements for “modeling” or “acting”, internet enticement on profile sharing sites and/or chat rooms and family exploitation.

Sex trafficking crimes are not new to Monroe County or across the country. What is new is the increasing attention that is being paid to this area of crime, due in large part to the professionals within the criminal justice system who dedicate their time and resources to deal with the difficult challenges that these crimes present. For example, victims of sex trafficking are often dealing with serious trauma related to domestic violence and sexual assault. There is often a lengthy history of physical, financial, and psychological abuse between the victim and the trafficker. The trafficker often serves as the victim’s employer, family member, landlord, sexual partner or love interest. In addition, victims are often told by the perpetrators that they are in fact the criminals, and if law enforcement is notified in any way that they themselves will go to prison. This is often reinforced when victims have been arrested for prostitution.

In Monroe County, we have ongoing programs to educate our law enforcement officers, prosecutors, victim advocates, judges, and court personnel about the complex dynamics involved in these situations and to provide trainings to help professionals identify victims of sex trafficking before they enter the criminal justice system. We also have a specialized human trafficking intervention court in Monroe County that serves to intercede in cases where the victim has already been brought into the criminal justice system.

In 2013, the Monroe County District Attorney’s Office became a member of the Western New York Human Trafficking Task Force and Alliance. This is a multi-agency group designed to combat human trafficking throughout the Western District of New York. This task force includes the U.S. Attorney’s Office, the Erie County Sheriff’s Office, the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), the F.B.I., the U.S. Department of Labor, Wage and Hour, U.S. Border Patrol, the International Institute of Buffalo, Farmworker Legal Services, as well as the National Center for Missing and Exploited Children, the Rochester Police Department and the Monroe County Sheriff’s Office. Because these crimes often cross not only borders between countries, but also borders between counties and cities and include both state and federal crimes, this alliance has been instrumental in allowing all agencies to work together in identifying and assisting victims of human trafficking and prosecuting those engaged in trafficking offenses. The Monroe County District Attorney’s Office is also a member of the Monroe County Safe Harbour Task Force that was created in 2013 and that multi-disciplinary agency works to promote community awareness about the sexual exploitation of youth, including identification of these “at risk” youths, referrals to social services, including housing for sexually exploited minors. The needs of these victims are often immense. Without support, they are likely to be too frail, frightened or traumatized to reach out for help. Professionals like those at Safe Harbour who provide services to the victims can help them gain the strength necessary to cooperate with law enforcement and to understand the importance of pursuing traffickers.

The comprehensive collaboration among law enforcement and service providers ensures that victims receive the necessary support and services, increasing the likelihood of successful prosecution of the traffickers. This is our goal in Monroe County and it is one that is working.

PEOPLE V. MICHAEL CHESS

Backpage.com is a website that is used to advertise items for sale and job openings, just like most classified sections of newspapers. However, *backpage* has an additional section that is used to advertise adult entertainment services, including sex.



Victim's shoe at crime scene.

In 2011, there were several incidents in the Town of Irondequoit in which young women called 911 screaming that they were raped. Each time, the caller would hang up before help arrived. At the scenes were found parts of women's clothing and/or shoes as well as used condoms and condom wrappers. The Irondequoit Police Department (IPD) was able to identify three victims. Upon search of each scene, police were able to collect evidence that eventually provided a DNA profile

of the perpetrator. Using phone records and a ping order, the police were able to identify the perpetrator as Michael Chess.



Knife used to threaten one of the victims.



Condom wrapper at crimes scene.

Michael Chess used *backpage* to lure his victims. Chess would arrange to meet young prostitutes in remote areas of the Town of Irondequoit, and then rape them at knife point. In October of 2011, the twenty-five year old was arrested and charged with three counts of forcible rape and robbery. His family posted \$10,000 bond, and he was released. As Chess's trial began in September of 2012, an issue arose with his attorney, and Supreme Court Justice Alex Renzi declared a mistrial.

On the day that the mistrial was declared, a young woman from the City of Rochester called 911 screaming that she was raped at gunpoint. Within weeks of this call, a second young woman called 911 stating that she was attacked by gunpoint at the exact same location as the first attack in the City. Further investigation revealed another young woman called 911 in April of 2012 stating that she had been raped at gunpoint at that exact same location. In a fourth case near the same location, a fourth victim had a gun held to her head as he tried to take away her cell phone. All four young prostitutes had been contacted through *backpage.com* just as the three in Irondequoit were. The only difference was that the three in Irondequoit were raped by knifepoint and, of the victims in Rochester, two were raped at gunpoint and the other two were attacked but got away. Three of the four Rochester victims were able to make positive identifications of Michael Chess and the fourth was identified by phone records.

In November of 2012, Chess was arrested for rape, attempted rape and robbery. This time, his bail was set much higher, \$100,000 cash or \$250,000 bond. Chess was prosecuted by Andra Ackerman, Deputy Chief of the Special Victim's Trial Division and by Assistant District Attorney Leslie Schildt. On October 23, 2013, after a three and a half week trial, Michael Chess was found guilty of five counts of first-degree rape, one count of first-degree robbery, two counts of petit larceny, and one count of second-degree menacing.

On December 11, 2013, Supreme Court Justice Alex Renzi sentenced Chess to 90 years in prison.



Andra Ackerman,

Deputy Chief of the
Special Victims Trial Division

PEOPLE V. ANTHONY PERRI

The Public Libraries in the Towns of Pittsford and Penfield have numerous programs that encourage children to read and be active, lifelong patrons. Fifty year old Anthony Perri knew that a library would be an easy place to target children, a place where parents feel safe enough to let their children out of their sight for a moment.

On January 24, 2012, a nine year old girl was reading a book in the Pittsford Library when Perri approached her, removed her shoes, and then proceeded to stroke her feet. The young girl promptly complained of the incident to employees of the Pittsford Library. They immediately sought to find the assailant but he fled before being identified. Fortunately, his image was captured by the library's surveillance system. The images were given to members of the Monroe County Sheriff's Office who began their investigation that night.

Later that year, just after noon on July 17th at the Penfield Library, Perri quietly approached two young girls, each six years old, in the children's section. He then proceeded to remove their shoes and hold their feet in a manner which frightened each of them. Fortunately, the mother of the second girl that he approached that day interrupted Perri and confronted him about his inappropriate behavior with her daughter. A library staff member called 911 as Perri fled. Troopers from the New York State Police and Deputies from the Monroe County Sheriff's Office quickly apprehended him not far from the library. Perri was arrested and arraigned on charges of sexual abuse in the first degree and endangering the welfare of a child.

William Gargan, Chief of the Domestic Violence Bureau, prosecuted the case for the People in Monroe County Court. On October 28, 2013, after a jury trial in which each of the three young girls testified, Anthony Perri was convicted of all counts of the indictment: three counts of First Degree Sexual Abuse and three counts of Endangering the Welfare of a Child.

On December 5, 2013, Judge Argento sentenced Perri to the maximum of 7 years in the NYS Department of Corrections on each felony count to be served consecutively thus resulting in a 21 year prison term. In addition, upon his release he will be subject to 10 years of post-release supervision and required to register as a sex offender. The People sought, and Judge Argento granted, the 21 year total sentence upon review of the unique facts of this case and in consideration of Perri's multiple prior violent felony convictions.



PEOPLE V. CHRISTIAN SAEZ

On May 25, 2013, Christian Saez broke into his girlfriend's apartment on Mead Street in the City of Rochester. The couple had previously argued and he used her keys to enter the apartment. Once inside, he wrought havoc. He broke the TV and mirrors, and emptied the contents of a fire extinguisher, covering the entire apartment with foam. Saez then called his girlfriend on the phone and told her he was going to kill her dog. She could hear the poor little dog squealing in the background.

She called 911 and met officers from the Rochester Police Department at the apartment. The dog found to be covered in foam from the fire extinguisher, and in extreme distress.

The dog passed away en route to a veterinarian. Saez was on parole for a previous domestic burglary and was located via his ankle monitor at his home. He gave a full confession of his actions to RPD investigators.



Saez broke this bathroom mirror.



The fire extinguisher that saez emptied in his girlfriend's apartment.

Assistant District Attorney Eleanor Biggers prosecuted the case for the People. The girlfriend was uncooperative and refused to participate with any stage of the investigation or prosecution. Saez was ultimately indicted on Aggravated Cruelty to Animals, which carries a maximum sentence of 2 years in the Monroe County Jail. On December 18, 2013, he pled guilty to Aggravated Cruelty to Animals before

Judge Alex Renzi and was sentenced to 18 months in the Monroe County Jail. Because Saez was out on parole at the time of this incident, he's serving time in a State prison for violation of parole concurrently with the 18 month sentence imposed for Aggravated Cruelty to Animals.

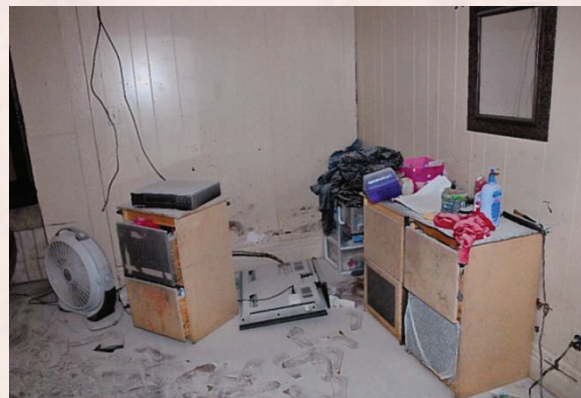


Photo from the apartment showing foam from the fire extinguisher,

PEOPLE V. MATTHEW LOMAGLIO

Rochester City School #19 is located off of South Plymouth Avenue near the Genesee River. The school was chosen as one of New York State's Most Rapidly Improving Schools for the 2006-2007 school year. For one 8 year-old boy in the second grade, physical education became something to dread that year. His gym teacher, Matthew LoMaglio, was sexually abusing him while at school.

As is typical in most cases of child sexual abuse, the boy didn't tell anyone what was happening until years later. At the time, however, his mother noticed that his behavior had changed. He would come home in tears and instead of playing with his friends and siblings; he would spend hours alone in his room or staring vacantly at the family fish tank. By Thanksgiving of 2006, the boy refused to go to gym class, telling his mother that he was terrified of his teacher, Mr. LoMaglio. Concerned with her son's behavior and his expressed fear of his gym teacher, the victim's mother met with school officials in November of 2006 and asked that he be removed from LoMaglio's class. However, without a disclosure of physical or sexual abuse, the school was unable to excuse the victim from class. As a result, the abuse continued until the victim's mother transferred him to a different school in 2007.



Rochester City School #19

The victim did not break his silence until nearly six years later in 2012. It was then that a sibling discovered a hidden letter that the victim wrote, which described the abuse from his second grade gym class. It was then, at the age of thirteen, that the victim finally came forward. This sparked a joint investigation by the RPD and the Monroe County District Attorney's Office and ultimately led to an Indictment prosecuted by Assistant District Attorney, Kyle Rossi.

The People called several witnesses at the trial, including the former Assistant Principal and other teachers. However, the most compelling witness was the victim, who was fifteen years old at the time of trial. He courageously faced his abuser, testifying about the humiliating events that he endured as an eight and nine year old both during and after gym class. At times, he became tearful and visibly shook in the witness chair. On November 6, 2013, Supreme Court Justice Joanne Winslow convicted LoMaglio of Course of Sexual Conduct Against a Child in the Second Degree and Endangering the Welfare of a Child.

At his sentencing on January 14, 2014, it was revealed that, during a session with a counselor, LoMaglio had admitted to sexually abusing the boy. Justice Winslow stated that she had received letters of support from many of LoMaglio's former co-workers in the Rochester City School District, most of which used terminology indicating that he was a positive role model to children. Those letters became a source of public controversy in the following weeks by community members who were incensed that teachers would support a person who was convicted of abusing a student. Justice Winslow sentenced 37 year-old LoMaglio to 4 years in prison followed by a period of ten years of post-release supervision. LoMaglio will also have to register as a sex offender for much, if not all of his remaining life.

PEOPLE V. TODD MIRABELLA

Christmastime is filled with joy and anticipation of opening gifts, sharing food, and enjoying time with family and friends. For two young girls in the Town of Webster, Christmas of 2012 was not a time for celebration. Todd Mirabella sexually abused them on Christmas Eve and into Christmas Day in 2012. Mirabella, a forty-six year old resident of Webster, was a top-level employee in the financial investment arena. The children he sexually abused were two girls, one less than thirteen years old and the other less than fifteen years old at the time of the incidents. The two girls disclosed the sexual abuse that Christmas Day.

The Webster Police Department was notified and an investigation was initiated. That investigation eventually led to a Grand Jury Indictment of Mirabella. The top count of that Indictment, Criminal Sexual Act in the First Degree, alleged that Mirabella engaged in oral sexual conduct with a child less than thirteen years old. The defendant also faced two counts of Sexual Abuse in the First Degree and two counts of Sexual Abuse in the Third Degree. Assistant District Attorney Meredith Vacca prosecuted the case for the People.

On October 8, 2013, a jury trial commenced in Monroe County Court before Justice Thomas Moran. As with most child sexual abuse cases, the key evidence at the trial was the testimony of the two child victims. The trial ended on October 11, 2013 when the jury found Mirabella guilty of all counts of the Indictment. On January 6, 2014, Justice Moran sentenced Mirabella to 12 years in prison plus 10 years post release supervision. As part of his conviction, Mirabella will also be required to register as a Sex Offender before his release.

PEOPLE V. JOHN HIGGINS

On August 25, 2013, the Rochester Police Department (RPD) responded to a report of a minor who had been sexually abused by John Higgins. Forty-four year old Higgins was promptly arrested by members of the RPD for having sexual intercourse with that minor who was less than thirteen years old.

Assistant District Attorney Gregory Colavecchia prosecuted the case for the People. On September 19, 2013, prior to indictment, Higgins pled guilty to Rape in the First Degree. On October 3, 2013, Judge Melchor Castro sentenced him to 18 years in State prison along with 20 years of post-release supervision. An order of protection was also issued for the young victim.

PEOPLE V. MICHAEL ROSS

Michael Ross was a troubled young man who was taken in as a foster child by the Reverend Vernice Warfield. When he became an adult, he moved out of the Rochester area. Whenever he was back in town, he'd call Ms. Warfield. May 17, 2011 was one of those days. After calling ninety-six year old Warfield, Ross visited with her and helped her to clean windows and do other odd jobs around her home on Herkimer Street in the City of Rochester. When she went to the second floor of the house to check a leak, Ross followed her into her bedroom. According to Warfield, Ross grabbed her neck and strangled her. She fought back, but then lost consciousness. When she awoke, Ross was gone. She called 911, and was taken to Strong Memorial Hospital for treatment. The Rochester Police Department was able to apprehend Ross a short time later because he was wearing a GPS ankle bracelet as a condition of parole for Attempted Burglary in the Second Degree, which he was convicted of in January, 2004.



Reverend Vernice Warfield

At trial, Monica O'Brien, Chief of the District Attorney's Elder Abuse Bureau, was able to prove all of the elements of Strangulation in the 2nd Degree, a new statute passed by the New York State Legislature in November of 2010. Prior to the new statute, when defendants strangled their victims but failed to cause death or serious injury, they were often charged with the misdemeanor of Assault in the 3rd Degree. O'Brien linked Ross to the scene and established the elements of the crime using Warfield's testimony, as well as evidence from a GPS tracking device that was worn by Ross, a recording of Mrs. Warfield's 911 call, as well as testimony of a Medical Examiner. On March 18, 2013, Ross was convicted of Attempted Murder in the 2nd Degree and Strangulation in the 2nd Degree.

On April 18, 2013, Judge James Piampiano sentenced Michael Ross, a persistent violent felon, to 25 years to life in prison.

THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE DWI BUREAU

The DWI Bureau is responsible for prosecuting all defendants charged with Felony DWI, Vehicular Assault, and Vehicular Homicide, in addition to other crimes associated with the unlawful operation of a motor vehicle. Each year, hundreds of people across New York State, and many in Monroe County, are killed or permanently injured as the result of alcohol related crashes. Working with police agencies throughout the county, the District Attorney's Office has implemented an aggressive prosecution policy toward DWI and crimes committed while operating a motor vehicle under the influence of alcohol. In 2013, the DWI Bureau took in 938 new felony cases. The Bureau closed 915 cases, with a 99% conviction rate—among the best in New York State. Raymond Benitez, Chief of the DWI Bureau, oversees four specialized prosecutors and reports directly to Second Assistant District Attorney Tim Prosperi.

Bureau Chief Raymond Benitez

Raymond Benitez, Chief of the DWI Bureau, has been a member of the Monroe County District Attorney's Office since 2000. A former officer with the Rochester Police Department, Mr. Benitez has spent his fourteen year career as a prosecutor serving in both the Local Courts Bureau and the former Domestic Violence Bureau, as well as serving as an Assistant District Attorney in the DWI Bureau which he now heads. In addition to his current role, Mr. Benitez is the former Chief of the Gun Bureau and the former Chief of the Special Investigations Bureau, which are now consolidated. In January 2012, Mr. Benitez was selected to head the DWI Bureau by District Attorney Sandra Doorley due to his extensive experience as both a trial prosecutor and administrator.



Ray Benitez has spent most of his life in Rochester, NY and is a graduate of McQuaid Jesuit High School. He holds a Bachelor of Science from SUNY Buffalo's Jacobs School of Management and obtained his Juris Doctorate from the University of Buffalo School of Law.



Leandra's Law

In October of 2009, eleven year old Leandra Rosada lost her life when the car she was riding in hit an obstruction and overturned on the Henry Hudson Parkway in New York City. Tests would reveal that the driver of the car, the mother of one of Rosada's young friends, was intoxicated when the crash occurred. Outraged by the incident, the New York State Legislature acted quickly, and the Child Passenger Protection Act, commonly known as Leandra's Law, was signed by the Governor less than five weeks later.

Leandra's Law makes it an automatic felony to drive drunk with a child passenger 15 years of age or less in the car, even for first time offenders. The law also forces anyone with a DWI conviction—misdemeanor or felony—to have an ignition interlock device installed in their car for a minimum of 6 months, making New York one of only 13 states with such a requirement. This device, which is installed at the owner's expense, requires that the driver submit a breathalyzer sample before the vehicle can be started. In 2013, there were 66 arrests referred to the DA's Office for prosecution for violations of Leandra's Law in Monroe County.

An overwhelming number of people who use ignition interlocks report that these devices have positively changed their habits, a fact that will reduce the occurrence of these tragic and preventable accidents in New York State.



Pre-Trial Diversion

A critical part of the mission of all law enforcement officials in Monroe County is to avoid incidences of DWI while preventing those convicted from reoffending. To that end, defendants charged with Felony DWI who surrender their license and demonstrate a commitment to dealing with their alcohol problem may be offered the opportunity to participate in the Pre-Trial Diversion Program. If admitted to this program, participants receive counseling and other services to deal with their alcohol related issues, and if successful, are allowed to plea to misdemeanor rather than felony DWI charges.

In 2013, one hundred eight-seven felony arrests were accepted into the Pre-Trial Diversion Program. Of that number, 141 completed the program, a success rate of 75%.

PEOPLE V. MARK SCERBO AND MEGAN MERKEL



Heather Boyum

After partying all night and into Sunday morning, the group encountered Mrs. Heather Boyum, at approximately 7:45am. Mrs. Boyum, a Fairport resident, teacher, wife, mother, and accomplished athlete, was riding her bicycle on the shoulder of the roadway. As the group neared Mrs. Boyum, Scerbo again sped past the right side of Merkel's car on shoulder of the road, fatally crashing into and violently catapulting Heather Boyum and her bicycle into the roadway where she was again struck, this time by Merkel's car.



Heather Boyum's bicycle.

After a joint trial with Mark Scerbo with two separate juries, Megan Merkel was found guilty of Driving While Intoxicated Per Se (.08 blood alcohol content or more) and traffic infractions. She was sentenced to the maximum allowable sentencing of one year in local jail with a one year conditional discharge to monitor an ignition interlock device requirement.



A beer can in Megan Merkel's car.

Mark Scerbo was held accountable for recklessly causing the death of Heather Boyum. He was convicted of Manslaughter 2nd Degree, Reckless Driving, Aggravated Driving While Intoxicated (.18 blood alcohol content or more), Driving While Intoxicated

Per Se (.08 blood alcohol content or more), Common Law Driving While Intoxicated, Aggravated Unlicensed Operation of a Motor Vehicle in the First Degree, and Operating a Motor Vehicle without an Ignition Interlock Device.

Due to Mark's prior criminal history, including two prior felony DWIs and one prior misdemeanor DWI, he was sentenced to the maximum sentence of 7 ½ years to 15 years with the N.Y.S. Dept. Of Corrections as a Second Felony Offender.

Raymond Benitez, Chief of the DWI Bureau, prosecuted the case and asked for the maximum sentence.



Mark Scerbo's motorcycle at the crash scene.

[Note: Due to the fact that bath salts are not considered a controlled substance under New York State Law, the People were prohibited from presenting all of the evidence necessary to show the effects that these drugs had on the defendants.]

PEOPLE V. DANIEL GARVER

On March 4, 2013 at approximately 11:15 pm, 37 year old Harry Andrews, a father of three, was outside of his home on North Goodman Street assisting a friend whose vehicle had run out of gas. Andrews was standing next to his friend's SUV, filling the gas tank, when he was struck and killed by a driver who fled the scene. At 11:17 pm, a red light camera captured a vehicle running a red light at the intersection of North Goodman Street and Clifford Avenue. The camera took a picture of the car, including the license plate.



Harry Andrew Was struck while filling the tank of this SUV with gasoline.

A comprehensive investigation was led by Investigator Scott Gould of the Rochester Police Department.

Knowing that the striking vehicle had lost its side-view mirror in the collision, police combed through footage taken throughout the City, ultimately spotting the striking vehicle in the red light camera footage and locating its owner, 22 year old Daniel Garver, a Nazareth College student who lived in the Town of Irondequoit.



A piece of the striking vehicle's side view mirror that was left at the scene.

The striking vehicle was found on March 7, 2013, when it was just hours away from being towed for destruction by Garver's insurance company. Garver admitted to police that he was driving the car on March 4th, but maintained that he was sideswiped by an SUV coincidentally in the area and at the time that Mr. Andrews was struck. Garver explained that he did not report the sideswipe incident because after leaving the Deftones concert at the Main Street Armory, he became concerned about a friend and was too preoccupied to report the SUV hit and run driver. Garver's vehicle was missing a mirror on the passenger side and had a smashed windshield. Daniel Garver was arrested and charged with Leaving the Scene of a Personal Injury Incident Involving Death. When

it was examined, the car yielded forensic evidence, including Mr. Andrews' DNA on the passenger door.

The case was assigned to Assistant District Attorney Leah Mervine of the DWI Bureau, who presented the case to a Grand Jury. Garver was indicted on July 15, 2013 on one count of Leaving the Scene of a Personal Injury Incident involving death. On September 25, 2013, Garver pled guilty before Supreme Court Justice Alexander Renzi. On December 18, 2013, Daniel Garver was sentenced to an indeterminate term of incarceration with the New York State Department of Corrections for a period of 2 to 6 years. He was also ordered to pay \$1,535.05 in restitution to the New York State Victim's Crime Fund (who had expended that sum to assist with Mr. Andrews' funeral).



Daniel Garver's vehicle had a smashed windshield, and was missing the passenger side mirror.

PEOPLE V. ROBERT MASTOWSKI

Robert Mastowski had already been convicted three times for Driving While Intoxicated in 1982, 1997 and 2009 when he decided to go to a bar during the afternoon hours on Monday, October 1, 2012. While at the bar, Mastowski drank beer and a shot of Goldschlager before driving back home. At approximately 4:16 PM, Mastowski drove eastbound on Brick Schoolhouse Road in the Town of Hamlin and stopped at the stop sign at the intersection with Walker Lake Ontario Road. At the same time, Amber Reeves, who was five months pregnant, was driving her car southbound on Walker Lake Ontario Road approaching the intersection with Brick Schoolhouse Road. As Amber entered the intersection, Mastowski pulled out unexpectedly while failing to yield the right of way to her and struck her on the front passenger side. Amber's fiancée and father of her five year old daughter and unborn baby, Luis Alayon, a front seat passenger, was ejected by the impact. Mastowski's truck flipped over and landed on Luis, who was pronounced dead at the scene. In addition to his fiancée, five year old daughter, and an unborn daughter that he never got to meet, Luis also left behind a very large family who will miss him very much.



Vehicle driven by Amber Reeves. Luis Alayon was a front seat passenger.

The investigation revealed that Mastowski had a blood alcohol concentration of 0.15 (almost twice the legal limit of 0.08) when he struck Amber's vehicle and killed Luis. At his trial in December of 2013, Mastowski and his expert attempted to blame Amber Reeves, the intersection design and the alleged field of vision obstructions (horizon, trees, telephone poles, dip in the road, etc...) for the deadly crash. His expert tried to find fault with the police collision reconstruction. Mastowski failed to take responsibility for his own actions.



Robert Mastowski's truck flipped and landed on Luis Alayon.

In the end, the jury did not go along with the "blame game" that Mastowski tried to sell. Instead, they saw the effects of his voluntary consumption of alcohol which substantially impaired his physical and mental capabilities to operate a motor vehicle as a reasonable and prudent driver. The jury decided that, as a result of his intoxication, Mastowski operated his truck in a manner that caused the death of Luis Alayon. On December 6, 2013, Mastowski was convicted of Vehicular Manslaughter in the First Degree and two counts of Driving While Intoxicated.

Raymond Benitez, Chief of the DWI Bureau, prosecuted the case and asked for the maximum sentence of 5-15 years. On January 6, 2014, New York State Supreme Court Justice Thomas Moran sentenced Mastowski to 3-9 years in prison and 5 years of probation.

PEOPLE V. DONALD LOVE

On Friday, December 14th, 2012 Donald Love left his home in the Town of Hilton at 7:18 AM and started a cross county trek to his place of employment in the Town of Penfield. Prior to that date, Love had been convicted of Driving While Intoxicated and had an ignition interlock device installed in his vehicle. The ignition interlock device required a breath sample to start the car and required random breath tests thereafter. Love was due at work at 8:00 AM and had started his trip later than usual. He drove southbound



Vehicle driven by John Marcaitis.

on NY Route 260 to eastbound on Route 531 and then eastbound on Route 490. A witness observed Love driving erratically on Route 490 swerving, weaving and drifting from right to left within his lane until he struck a concrete center median. Love abruptly crossed into the center lane, applied his brakes, regained control and then continued in the left passing lane. He intended to exit Route 490 at Penfield Road but missed the exit. Love then tried to get off at the next exit (Route 441) but again missed the exit. Ultimately, he exited at the Town of East Rochester - Commercial Street.

Love proceeded eastbound on Commercial Street and turned left heading northbound on Washington Street.

It was “rush hour” and traffic was heavy on all roadways. At approximately 7:51 AM, Love crossed a double yellow line into oncoming traffic. He then accelerated northbound in the southbound lanes, forcing a truck driver off the road and onto the sidewalk before speeding into the next intersection on the wrong side of the road against a steady red light. Love crashed his vehicle into two cars, resulting in the death of John Marcaitis, a beloved husband, father of two college students, and a respected worker at Monroe BOCES #2. It was determined that alcohol was not a factor in the crash.

There are three ways to make up time when you’re running late: you can speed, take a short-cut or not stop for traffic. Donald Love did all three on congested roadways during “rush hour” thereby making his acts reckless. He was aware of the substantial and unjustifiable risk of death to another by reason of the risk he created and his disregard of that risk was a gross deviation of the conduct expected from a reasonable person under those circumstances.

At his trial in November of 2013, Donald Love testified and fabricated a story in an attempt to blame the ignition interlock device for his wrongdoing. The data stored and provided by the ignition interlock device helped disprove Love’s story. On November 26, 2013, the jury responded swiftly, finding Love guilty of Manslaughter in the Second Degree and Reckless Driving.



Vehicle driven by Donald Love.

Raymond Benitez, Chief of the DWI Bureau, prosecuted the case and asked for the maximum sentence of 5-15 years. New York State Supreme Court Justice Alexander Renzi sentenced Love to 1 $\frac{1}{3}$ - 4 years on the Manslaughter 2nd Degree Count and one year on the Reckless Driving Count, running concurrently.

PEOPLE V. MARIO CARLENIUS

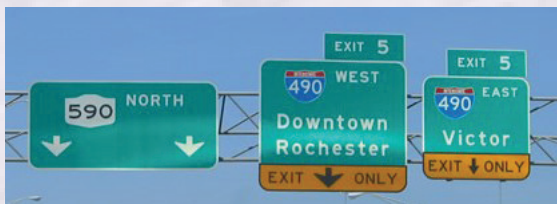
On Friday, November 30, 2012 at approximately 1:51 AM, Mario Carlenius operated his motor vehicle after drinking whiskey at a friend's home. New York State Troopers responded to 911 calls related to a vehicle traveling southbound in the northbound lanes of I-590 near the Empire Boulevard exit in the Town of Irondequoit. The Troopers intercepted Carlenius's vehicle at the interchange between I-590 and I-490 and attempted to pull him over with lights and sirens. Carlenius continued southbound in the northbound lanes for approximately five miles before crashing head-on into a motor vehicle operated lawfully by 20 year old Stanislav Dutchak. Carlenius's blood alcohol concentration (BAC) was 0.15 (which was more than twice the legal limit of 0.08) when he seriously injured Dutchak, who was on his way to work at Wegmans stocking shelves. A partially consumed bottle of Evan Williams whiskey was found in plain view on the passenger side floor of Carlenius's vehicle. Both he and Stanislav Dutchak were the sole occupants in their respective vehicles at the time of the crash and both were unconscious and seriously injured at the scene.



Vehicle driven by Stanislav Dutchak.

Dutchak, became permanently disabled as a result of the crash. Among other injuries, he suffered a traumatic brain injury, a spinal fracture and a broken femur.

Raymond Benitez, Chief of the DWI Bureau, prosecuted the case. Carlenius did not have any prior criminal history when he pled guilty to Aggravated Vehicular Assault and Aggravated Driving While Intoxicated on August 7, 2013. He was sentenced to 3-9 years in prison and 1 year local jail by New York State Supreme Court Justice Francis Affronti on October 1, 2013.



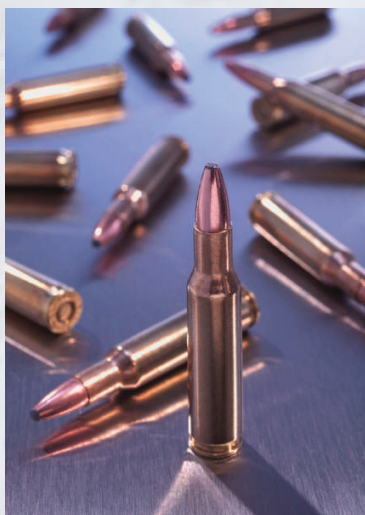
Vehicle driven by Mario Carlenius.

THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE SPECIAL INVESTIGATIONS BUREAU

The Special Investigations Bureau is responsible for the prosecution of all felony drug and gun cases, the acquisition of court orders for wiretaps, and for coordinating with arresting agencies to seize the assets of convicted drug dealers. In January of 2012, as part of her internal reorganization of the Bureau structure, District Attorney Doorley moved the prosecution of crimes involving guns from the Major Felonies Bureau to the Special Investigations Bureau because felony drug crimes and guns crimes are so often interrelated. Unlike most bureaus, the Special Investigation Bureau works closely with Federal law enforcement agencies such as the Drug Enforcement Administration (DEA) and the U.S. Attorney's Office, with each organization providing support and working collaboratively to determine if defendants charged with drug and gun related crimes are best prosecuted at the State or Federal level. In 2013, the Special Investigations Bureau took in 863 new felony cases. The Bureau closed 815 cases, with a 90% conviction rate. Matthew Schwartz, the Chief of the Special Investigations Bureau, oversees seven specialized prosecutors and reports directly to Second Assistant District Attorney Timothy Prosperi.

Bureau Chief Matthew Schwartz

Matthew Schwartz, Chief of the Special Investigations Bureau, served as an Assistant District Attorney in Schenectady County for 2 ½ years before joining the Monroe County District Attorney's Office in 2004. Since that time, Mr. Schwartz has served as an Assistant District Attorney in the Local Courts Bureau, the Non-Violent Felony Bureau, and the Major Felony Bureau before becoming Deputy Chief of the Special Investigations Bureau in 2010. In January 2012, District Attorney Doorley selected Mr. Schwartz as Chief of the newly restructured Special Investigations Bureau due to his extensive knowledge of both drug and gun prosecutions as well as his significant trial experience. In addition to his work at the District Attorney's Office, Mr. Schwartz has taught on a variety of subjects for the New York State Prosecutors Training Institute (NYPTI), and was recently recognized by the Federal Drug Enforcement Administration for his instrumental role in their investigations within Monroe County.



Matthew Schwartz performed his undergraduate studies at the State University of New York at Geneseo. He is a 2001 graduate of Albany Law School and has been admitted to practice law in both New York and Massachusetts.

PEOPLE V. MALQUAN JUNIOUS

Twenty-two year old Malquan Junious lived in a house on Glide Street in the City of Rochester. He had a history which included multiple convictions for offenses ranging from sale of marijuana to domestic violence against women and children. Junious's uncle and the uncle's girlfriend, Lisa Boga, together with her young son, lived in a makeshift bedroom in the attic of the home. During the evening hours of January 16, 2013, Junious and his uncle got into an argument, which quickly escalated. Junious retrieved a shotgun, and announced that he was going to kill members of the household as he went into the second floor residence. He entered the makeshift bedroom where Lisa Boga was located, and discharged two shots at close range as she attempted to cover herself on the bed. Her young son, also present, had run to escape the shots and was trapped in another portion of the attic, where he witnessed the attack on his mother. Fortunately, both shots missed. One shot became embedded in the mattress and the second stuck in the ceiling. Multiple family members called 911 from inside the house to report the incident. The Rochester Police Department responded to the scene. Officers found Junious hiding in the garage with the shotgun. He was charged with Reckless Endangerment and Criminal Possession of a Weapon in the Fourth Degree and taken into custody.



Shotgun shell found in makeshift bedroom in the attic.

The case was assigned to Assistant District Attorney Robin Catalano of the Special Investigations Bureau. She presented the case to a Grand Jury, and Junious was indicted on charges of Attempted Assault in the First Degree, Criminal Possession of a Weapon in the Third Degree and Criminal Possession of a Weapon in the Fourth Degree.



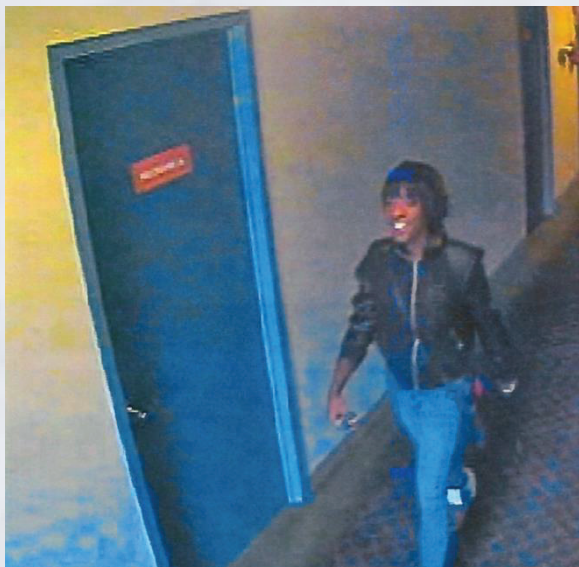
Shotgun found in the garage rafters.

The case went to trial in November of 2013. It hinged on the testimony of Lisa Boga and her thirteen year old son. On November 21, 2013, a jury found Junious guilty of Attempted Assault in the First Degree, Criminal Possession of a Weapon in the Third Degree and Criminal Possession of a Weapon in the Fourth Degree. On December 19, 2013, Monroe County Court Judge Victoria Argento sentenced Malquan Junious to 15 years in prison with 5 years post-release supervision, which was the maximum allowable sentence.

PEOPLE V. AYIESHA HORTON

Public Benefit Cards are issued to residents of New York State who need assistance in paying for essential items, such as food. Sixty-one year old Christine Harris loaned her Public Benefit Card to 29 year old Ayiesha Horton. At some point, Ms. Harris asked to get her card back, and Ms. Horton refused, which caused the two women to get into a dispute.

On August 1, 2012, Ms. Horton and a friend, Mable Avant, went to Ms. Harris's apartment on Mount Hope Avenue in the City of Rochester. Ms. Horton was carrying a loaded firearm, and hid out of view while Ms. Avant knocked on the door. When Ms. Harris opened the



Ayiesha Horton leaving the scene, as captured on surveillance video.

door, Ms. Horton pushed her way into the apartment and a struggle ensued in the kitchen. Ms. Horton pulled out her gun, and Ms. Harris grabbed for it. Ms. Horton pulled the trigger in an apparent attempt to shoot Ms. Harris in the head. The bullet barely missed, and ended up getting lodged in a kitchen cabinet. Ms. Harris suffered powder burns to the side of her face. Ayiesha Horton fled the scene, but was captured on the building's surveillance video, laughing as she walked down the hall.

The Rochester Police Department arrested Ayiesha Horton on August 27, 2012. The case went to trial in February of 2013, with Assistant District Attorney Gregory Clark prosecuting for

the people. On February 25, 2013, a jury convicted Ms. Horton of two counts of Criminal Possession of a Weapon in the Second Degree and one count of Criminal Possession of a Weapon in the Third Degree.

On April 4, 2013, Supreme Court Justice Victoria Argento sentenced Ayiesha Horton to 8 years in prison plus 5 years post release supervision.



Horton's shot missed, and instead became lodged in this kitchen cabinet.

PEOPLE V. SEDRICK COUNCIL

In October of 2003, 19 year old Sedrick Council pled guilty to robbing and shooting a man twice in the chest at 21 Diamond Place in the City of Rochester. The house is located at the end of a dead end street, and adjacent to a vacant lot. Council's mother's house is located just around the corner. In December of 2013, Sedrick Council was sentenced to 10 years in State prison with 5 years post release supervision.

On April 18, 2012, another man was shot twice in the chest at 21 Diamond Place. He called 911 for help, and told responding officers from the Rochester Police Department (RPD) that he didn't know who shot him. No ballistics evidence was recovered from the scene. Two bullets were lodged inside of the victim's body, which were never removed. After the man began to recover from his injuries, he was told that he might be permanently disabled. The news made him angry, and his story changed. He contacted the RPD and identified his shooter as Sedrick Council, who had been out on parole for approximately 4 months at the time of the shooting. The victim explained that he didn't admit to knowing the shooter at first because he himself was in trouble with the law. He was a marijuana dealer, and the shooting happened when Council tried to steal his drug dealing profits.

Based on new information, the RPD executed a search warrant at Council's mother's house. A sawed off rifle was located under a mattress. Council was arrested and charged with 1st Degree Assault and 2nd Degree Criminal Possession of a Weapon. Assistant District Attorney Matthew McGrath prosecuted the case for the People. In May of 2013, the case went to trial. The victim was the primary witness. While on the stand, he owned up to his criminal past and identified Council as the man who shot him. 28 year old Council was convicted of 1st Degree Assault and 2nd Degree Criminal Possession of a Weapon.

On August 8, 2013, while in the Monroe County Jail awaiting sentencing, Council allegedly assaulted a Jail Deputy, striking him in the face. The Deputy broke two fingers during the incident. Council was charged with 2nd Degree Assault, and is currently awaiting trial.

On October 10, 2013, Monroe County Court Judge James Piampiano sentenced Sedrick Council to 31 years in State prison and 5 years post release supervision for the April 2012 incident.

PEOPLE V. SCOTT ANDERSON

Scott Anderson had a long history of using illegal drugs and getting in trouble with the law. In December of 2012, the 39 year old was admitted into the city of Rochester's Drug Treatment Court (DTC), which allows nonviolent drug offenders to get treatment as an alternative to incarceration. Studies have shown that drug offenders who receive such treatment are less likely to commit more crimes than those who go to prison.

Anderson didn't do well in the treatment program. On June 7, 2013, he appeared before Judge John Schwartz, the pioneer of the DTC in Rochester. When Anderson's progress was reported to the Court, Judge Schwartz ordered that he be taken into custody at the Monroe County Jail. While in booking, Monroe County Sheriff Deputies overheard Anderson say to another inmate, "Slap me up when I walk by". Based on that statement, Anderson was strip searched and two balloons of heroin were recovered from his shoe. Noting the way the heroin was packaged and listening to Anderson's urgent requests to use the restroom, Deputies suspected that the drugs had been secreted in a body cavity. After a thorough search, 75 baggies of heroin were recovered from Anderson, who made statements that he planned on selling the drugs so that he could get money to spend in the commissary.

Assistant District Attorney Cassie Kocher prosecuted the case for the People. On July 2, 2013 Scott Anderson was arraigned in Monroe County Court before Judge Vincent Dinolfo on an indictment charging one count of Criminal Possession of a Controlled Substance in the Third Degree and one count of Promoting Prison Contraband in the First Degree. Anderson was denied admission into the Judicial Diversion Program.

On November 3, 2013, Anderson waived his right to appeal and pled guilty to the top count of the indictment, Criminal Possession of a Controlled Substance in the Third Degree. On November 26, 2013, Judge Douglas Randall sentenced him to 4 years in State prison with 3 years of post-release supervision.



PROJECT EXILE

Implemented in Monroe County in 1998, Project EXILE is a Federal program designed to shift prosecutions of illegal gun possession offenses to Federal Courts, where such crimes carry a mandatory minimum sentence under the Gun Control Act of 1968, rather than in State Courts, which have lesser penalties for such crimes. Project EXILE operates under the direction of the Project Exile Advisory Board, of which the Monroe County District Attorney's Office is a member, along with representatives from county, state, and Federal law enforcement agencies as well as businesses, clergy, and various other community stakeholders. Gary Mervis, the founder of Camp Good Days and Special Times, has served as Chairman of the Advisory Board since EXILE's founding and is recognized as being the driving force behind the program's creation and implementation in Monroe County. The Project Exile Advisory Board meets once per month to share information and improve communications among those who are waging the battles against illegal guns and gun violence in our community.

According to the most recent statistics from the Bureau of Alcohol, Tobacco & Firearms and the Rochester Police Department, over the past 14 years, the Project Exile has helped to remove more than 13,000 illegal guns from Monroe County Streets, and homicide rates, while fluctuating, have never reached the levels witnessed prior to Project Exile's implementation.



2012 & 2013 Firearm Prosecutions by the Monroe County District Attorney's Office

NYS Penal Codes PL265.02, PL265.03, PL265.04

	2012	2013
Total Indictments	222	232
Waiver Pleas	49	40
Convictions at Trial	14	21
Pleas at Indictment	161	140
Pleas at Trial	2	0
Total Sentences	200	154
Average Sentence (months)	56	56

THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE ECONOMIC CRIME BUREAU

The Economic Crime Bureau prosecutes cases of major fraud—generally defined as fraud involving amounts in excess of \$10,000—perpetrated against citizens, businesses, and organizations within Monroe County. These include felony level cases of identity theft, stolen and counterfeited checks, credit card and currency rings, insurance fraud, and welfare fraud, in addition to so called “white collar” crimes such as embezzlement or investment scams. Together with cases of fraud victimizing private persons and institutions, the Economic Crime Bureau also prosecutes cases of tax fraud and tax evasion through the grant-funded Crimes Against Revenue Program (CARP), designed to return stolen revenue to the State. In 2013, the Economic Crime Bureau took in 204 new felony cases. The Bureau closed 215 cases, with a 97% conviction rate. Mark Monaghan, the Chief of the Economic Crime Bureau, oversees two specially trained prosecutors and reports directly to First Assistant District Attorney Kelly Wolford.

Bureau Chief Mark Monaghan

Mark Monaghan, Chief of the Economic Crime Bureau, has been a member of the Monroe County District Attorney's Office since 2002. Beginning his prosecutorial career in the Local Courts Bureau, Mr. Monaghan has served as an Assistant District Attorney in the Domestic Violence Bureau, DWI Bureau, and Non-Violent Felony Bureau, where he served as a Trial Assistant to the Economics Crime Bureau before becoming its Chief in January 2012. Prior to coming to the District Attorney's Office, Mr. Monaghan spent two years as a staff attorney with the Legal Aid Society of Rochester's Domestic Violence Program.



Born and raised in the Town of Greece, Mark Monaghan completed his undergraduate studies at SUNY Geneseo, where he majored in History and Political Science before attending Indiana University's Maurer School of Law, graduating in 1999.



PEOPLE V BRANDON BOX

Thomas Ryan was a sickly, elderly man who was being cared for by his son, Michael, and granddaughter. Michal had power of attorney, and was in control of Thomas's finances.

In January of 2013, Thomas's grandson, Brandon Box, took advantage of the situation and opened a credit card online using his grandfather's name, address, social security number, and other personal identifying information. He then used the card to make numerous cash advances from an ATM at Walmart stores in the City of Rochester and the Town of Greece over the next couple of days. When he had reached his limit on cash advances, he used the card to purchase gift cards and other items from Walmart.

Box's uncle (Michael), discovered the fraudulent credit card purchases and reported it to the Greece Police Department. During the police investigation, it was discovered that the credit card transactions were captured on Walmart's surveillance videos.



Brandon Box was captured on Walmart's surveillance video.

Assistant District Attorney James Egan prosecuted the case for the People. On April 4, 2013, a Grand Jury indicted Box on one charge of Identity Theft in the first degree and one charge of Falsifying Business Records in the first degree. The case went to trial in November of 2013. Box's ex-girlfriend testified against him. She was present when he opened the credit card. He admitted to her he was opening the card using his grandfather's information to buy drugs. His sister also testified against him. She is a nurse and was taking care of the grandfather during the time the card was opened. She never saw Brandon visit or call their grandfather during that time. Thomas Ryan was extremely ill and in hospice care at the time of trial. The People went forward without calling him as a witness, given his poor health.

Brandon Box testified at trial and admitted to opening the card and using it to make withdrawals and purchase items at Walmart. He claimed he had his grandfather's permission to open the card. On cross exam, he admitted that he used the money and gift cards to purchase drugs, and that his grandfather didn't know what he was using the card for. The jury convicted him of Identity Theft in the first degree for using his grandfather's personal identification information to obtain more than \$2000. He was also convicted of Falsifying Business Records in the first degree for falsifying the credit card application.

On December 11, 2013, Supreme Court Justice Alex Renzi sentenced Box to 3-6 years in State prison. He was also ordered to pay \$2,000 in restitution to the credit card company, who had already reimbursed Thomas Ryan for the fraudulent charges.

WAL-MART SUPER CENTER
ROCHESTER, NY 080014421
STF 3280 OFF 00002984 TRF 20 TRF 09724

FORM 001200001285F 1.58 AD
NY DEP FEE 0078742370278F 0.05 H
REF 00100000

APPR. CODE = 535736
GIFT CARD 087418403416 250.00 H
GIFT CARD 087418403416 0.00 H
SUBTOTAL 251.43

CREDIT CARD # [REDACTED]
EXPIRATION DATE 01/16
APPROVAL # 04807C
AMOUNT AUTHORIZED IS 251.76
ACCOUNT # **** * 3028 3
APPROVAL # 04807C
REF # 30280088050
*Signature Verified
TERMINAL # H0067345

01/29/13 09:28:09
VISA TRND 251.76
T Ryan
Electronic Journal Signature R12p
SALES TAX 1 0.13
TOTAL 251.76
CHARGE DUE 0.00

GUMPEY OFFERED
TCF 813642592 3193 749203758 BD
01/29/13 09:28:09

Receipt for a
Walmart gift card.

PEOPLE V QUINTIN MCWILLIAMS

In August of 2012, Quintin McWilliams was arrested on a separate matter and found to be in possession of a counterfeit \$50 bill when he was booked at the Monroe County Jail. Investigator Dalberth of the Monroe County Sheriff's Office Economic Crimes Unit handled the case. The bill was noticed as a potential counterfeit by ARAMARK employee Dana Zambito, who informed the Sheriff's office.

The following month, in September of 2012, McWilliams attempted to get an acquaintance to pass a counterfeit \$10 bill at the food court of the Brighton Campus of Monroe Community College. The cashier alerted campus security, who detained the acquaintance, George Hall, until Brighton Police Department (BPD) Investigator Liberatore and US Secret Service (USSS) Agent Joel Blackerby could speak with him. During that interview, McWilliams presented himself at the security office saying that Hall owed him \$200. McWilliams was interviewed by the BPD and USSS and subsequently released. He was arrested and charged with Criminal Possession of a Forged Instrument in the First Degree at a later date after further investigation.

Later that September, McWilliams, who was driving alone, was stopped for traffic violations just after 2 AM on Bittner Street in the City of Rochester. NY State Police Trooper Michael Mault approached the vehicle and noted the smell of marijuana. He saw in plain view six suspicious \$50 bills on the passenger floor of the car. Trooper Mault determined that they were counterfeit and McWilliams was arrested on six counts of Criminal Possession of a Forged Instrument in the first degree as well as misdemeanor drug possession.

Agent Blackerby was able to determine that all eight bills possessed by McWilliams in this roughly one month period were counterfeit. McWilliams was also known to have passed a counterfeit \$50 bill at Darien Lake in Genesee County. Investigators strongly believe he was a high volume producer of counterfeit currency in the City of Rochester during this time period.

Assistant District Attorney Matthew Tantillo prosecuted the case for the People. McWilliams was indicted on eight counts of Criminal Possession of a Forged Instrument in the first degree. On December 10, 2013, after motions and hearings, McWilliams pled guilty to all charges. On January 24, 2014, Judge Douglas Randall sentenced him to 1 1/3 - 4 years in the Department of Corrections.



The New York State

CARP

Crimes Against Revenue Program

No one enjoys paying taxes, but without them, the institutions and infrastructure that we rely on each day would not be possible. Though we pay our taxes to the State, in reality, we are paying them to our neighbors, to our children, and to ourselves, and as citizens, we share the responsibility to at least attempt to meet our obligations under the law. Unfortunately, some among us would like to make their taxes your problem. Make no mistake—when someone embezzles sales tax revenue or deliberately evades paying their taxes, they are shifting their tax burden onto others and are stealing from everyone in the State. Like any theft, tax evasion is a crime.

The New York State Crimes Against Revenue Program (CARP) is a grant funded program designed to hold accountable those who deliberately fail to pay tax obligations, as well as those who commit Medicaid, welfare, unemployment and workers' compensation fraud. Administered by the NYS Division of Criminal Justice Services and introduced in Monroe County in 2005, the program provides grants to District Attorney's offices across the state giving them the personnel they need to adequately investigate and prosecute such cases. All taxes, such as excise, sales, and income tax, are subject to CARP activities, with criminal investigations focusing on individuals, corporations and industries alike. Such investigations, which are designed to return tax revenue to the State of New York, often uncover complex financial fraud and tax evasion schemes encompassing major criminal enterprises.

CARP is a self-sustaining program, supported with the proceeds realized from investigations resulting in tax revenues, fines and restitution that are returned to the State. The program funds related prosecutorial and investigative activities in district attorneys' offices within the 22 counties that routinely report New York's highest income tax revenues, including Monroe County. In the first 6 years of the program's operation, the state invested approximately \$26.7 million, resulting in \$84.2 million in recovered revenue—a 315% return to taxpayers.

In 2013, the Monroe County District Attorney's Office received \$206,000 in CARP funding, which was used to offset a portion of the salaries of those working on CARP related cases in the Economic Crime Bureau, as well as one Criminal Law Assistant. In 2013, the Economic Crimes Bureau of the Monroe County District Attorney's Office recovered nearly \$648,734 in revenue on behalf of taxpayers. Since the program's introduction, CARP has given the District Attorney's Office the ability to recover over \$3.3 million, making Monroe County among the most successful in the State.

THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE APPEALS BUREAU

The Appeals Bureau handles all criminal appeals and motions for post-conviction relief, and assists prosecutors assigned to other bureaus. The Appeals Bureau also handles all fugitive matters, extradition cases, Federal Habeas Corpus requests, and Freedom of Information Act inquiries submitted to the District Attorney's Office through the County. In addition to these core functions, the Appeals Bureau is also responsible for bringing actions against judges for exceeding their authority. Prosecutors assigned to this bureau argue cases before all appellate courts, including the US Supreme Court, and are recognized as being among the most experienced and knowledgeable attorneys with regard the complexities of criminal practice. In 2013, the Appeals Bureau had hundreds of convictions affirmed by various appellate courts. Stephen X. O'Brien, the Chief of the Appeals Bureau, oversees six specialized prosecutors and reports directly to First Assistant District Attorney Kelly Wolford. Geoff Kaeuper serves as Deputy Chief of the bureau.

Bureau Chief Stephen X. O'Brien

Stephen O'Brien, Chief of the Appeals Bureau, has been a member of the Monroe County District Attorney's Office since 2001 and has served in the Appeals Bureau for the duration of that time, first as an Assistant District Attorney, and then as Deputy Bureau Chief. In January, 2012, Mr. O'Brien was appointed Chief of the Appeals Bureau by newly-elected District Attorney Sandra Doorley based on his comprehensive understanding of appellate law and his many years of experience successfully defending the People's hard-won convictions.



A native of Rochester, Stephen O'Brien is a veteran of the United States Air Force and worked for a number of years as a prosecutor in East St. Louis, Illinois and as private sector litigator before returning to public service at the Monroe County District Attorney's Office. O'Brien has been a member of the adjunct faculties of St. John Fisher College and SUNY Geneseo. He completed his undergraduate studies at SUNY Brockport and later graduated with honors from St. Louis University School of Law.



PEOPLE V. DONNY BEATY (DEFENDANT-APPELLANT)

In 2007, defendant Donny Beaty committed two separate home invasions. In the first, he got into the bed with the victim, but she managed to escape before defendant did anything further. Beaty's second victim was not so fortunate. When she awoke to find him lying beside her, he viciously strangled and raped her, before leaving with her cell phone.

When police investigators interviewed Beaty, he denied involvement in both crimes. Beaty was confident that police would not be able to link him to the crimes, and so was laughing and joking with the investigators. Beaty, however, did not know that, while he was being interviewed, police had found the victim's cell phone that Beaty had hidden in the ceiling inside a closet in his apartment. When police revealed the phone they had found, Beaty's demeanor changed entirely. His breathing became shallow and sweat beaded up on his nose. He knew he had been caught.

Looking for some way to explain having the victim's phone, Beaty claimed to have a mysterious drinking problem. In the written statement he then gave to investigators, he said that when he drank, a "spirit" took control of him. He then described getting drunk, entering the victim's house, and lying down on the couch. He claimed that he awoke to a woman's screams and ran out, only later finding that, for unknown reasons, he had a pink cell phone in his pocket.

At trial, Beaty tried to use this statement as the basis of a defense. He argued that the jury should be instructed to acquit him of rape if it found he was too intoxicated to have intended to commit that crime. The prosecution opposed the instruction and Justice Francis A. Affronti agreed that Beaty was not entitled to it. Beaty was ultimately convicted of first degree rape, first degree burglary, second degree burglary, second degree assault, and petit larceny. He was sentenced to a total of 31 years in prison.

Beaty appealed the case all the way to the New York Court of Appeals, arguing that he was entitled to reversal of his conviction because the intoxication issue was not submitted to the jury. On October 17, 2003, the Court of Appeals rejected that claim and unanimously affirmed Beaty's convictions. The Court found that no reasonable juror could have harbored a reasonable doubt that defendant intended his crimes. The Court explained: "While he may, indeed, have consumed alcohol prior to the events leading up to the crimes alleged, the evidence established that defendant's conduct was purposeful. He cut a hole in a screen to gain entry, instructed the victim to be quiet, threw a blanket over her head, and stole her cell phone so she could not call the police. Given this evidence, the court correctly ruled an intoxication charge was not warranted."



PEOPLE V. TYQUAN RIVERA (DEFENDANT-APPELLANT)



Officer Anthony DiPonzio prior to the shooting.

On the afternoon of January 31, 2009, then 14 year-old Tyquan Rivera was among a group of men loitering on Dayton Street in the City of Rochester for the purpose of selling marijuana. Rochester Police Department Officer Kevin Mack arrived on Dayton Street to break up the group. Rivera became verbally combative with Mack. He accused him of “always harassing him”, and called Mack “weak” and “an asshole.” Officer Mack decided to escort Rivera to his home on Dayton Street and speak with his mother, whom Mack knew, about her son’s behavior. Rivera continued to sling insults at Mack as they walked down Dayton Street. Upon arriving at Rivera’s house, Mack learned that Rivera’s mother was not home, so he left Rivera on his porch and began walking back to his patrol car. Rivera continued to yell at Mack and warned him that he better get back in his car.

By this time, a group of RPD officers had arrived on scene to provide backup for Officer Mack. Among them was Officer Anthony DiPonzio. Officer Mack briefed the other officers on the situation as they stood in a group on Dayton Street. At that moment, a shot rang out and Officer DiPonzio fell to the ground.

The officers were able to get Officer DiPonzio into a patrol car and administer first aid while transporting him to the hospital. It was later discovered that Officer DiPonzio had been shot in the head by a .22 caliber bullet. The bullet went into the back of his head, passed through his brain and became embedded in the front of his head between his skull and brain. Miraculously, Officer DiPonzio survived the shooting, endured months of rehabilitation, and was able to testify at the trial.

The evidence that Rivera shot Officer DiPonzio was substantial. Rivera’s cousin, who was at Rivera’s house when the shooting occurred, testified that Rivera retrieved what appeared to be a gun from his mother’s bedroom, then he heard a shot, and heard the front door of the house open and close. He did not see Rivera again. Rivera was subsequently spotted fleeing the Dayton Street area, but the police did not apprehend him. Later, Rivera called the house and had his relatives retrieve a gun from his mother’s bedroom, wrap it in a t-shirt, and place it in the basement of the house. Rivera’s cousin also testified that Rivera called him and asked whether the police had any “evidence of him shooting the cop”. Rivera also asked where the gun was and whether the police took any fingerprints from it.

The police later found a .22 caliber rifle hidden in Rivera’s basement. Laboratory testing and forensic analysis confirmed that it was the gun used to shoot Officer DiPonzio.

Following a jury trial, defendant was convicted of Attempted Murder in the Second Degree and Assault in the First Degree. Because he was a juvenile, he could not be sentenced as an adult. He received the maximum sentence allowed by law of three and one-third years to ten years in prison.

Rivera raised several issues on appeal, among them, that the evidence was not legally sufficient to support his convictions, that the guilty verdict was against the weight of the evidence, and that his trial attorney’s performance was so poor that it deprived him of his right to the effective assistance of counsel. His convictions were unanimously affirmed by the New York State Supreme Court, Appellate Division, Fourth Department.

In affirming Rivera’s convictions, the Court stated that “the evidence, the law and the circumstances of this case, viewed in totality and as of the time of the representation, establish that [Rivera] received meaningful representation.” The Court also noted that “contrary to defendant’s further contention, we conclude that the evidence is legally sufficient to support the conviction and...that the verdict was not against the weight of the evidence.”

After the shooting, Officer DiPonzio worked tirelessly to rehabilitate himself and return to work. Although he will never be able to return to road patrol, he currently works full time in the Professional Development Section of the Rochester Police Department.

THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE

LOCAL COURTS BUREAU

The Local Courts Bureau prosecutes all misdemeanor and violation-level offenses in city court, as well as in the 22 courts located throughout the towns and villages of Monroe County. Prosecutors assigned to this bureau staff seven City Court “Parts”, as well as Drug, Integrated Domestic Violence, and Mental Health Courts. In addition to these duties, those assigned to town and village courts are responsible for traffic related matters. In 2013, the Local Courts Bureau took in 17,548 cases—not including traffic court violations. Due to the number of courts and tremendous volume of cases, the Local Courts Bureau is assigned the largest number of attorney staff of the twelve bureaus comprising the District Attorney’s Office. Bureau Chief Ann Chase oversees 18 prosecutors and reports directly to Second Assistant District Attorney Timothy Proserpi. Caroline Morrison served as Deputy Chief of the bureau. Ms. Morrison was elected to the position of City Court Judge in November of 2013, and left the District Attorney’s Office in December of 2013.

Bureau Chief Ann Chase

Ann Chase, Chief of the Local Courts Bureau, has been a member of the Monroe County District Attorney’s Office since 1988. Over the course of her career, Ms. Chase has been assigned to the Local Courts Bureau, Non-Violent Felony Bureau and the Special Investigations Bureau, serving as Deputy Chief of both Special Investigations and Local Courts before being appointed Chief of the Local Courts Bureau in 2009. During her 26 year career, Ms. Chase has prosecuted hundreds of felony cases, including numerous homicide cases.



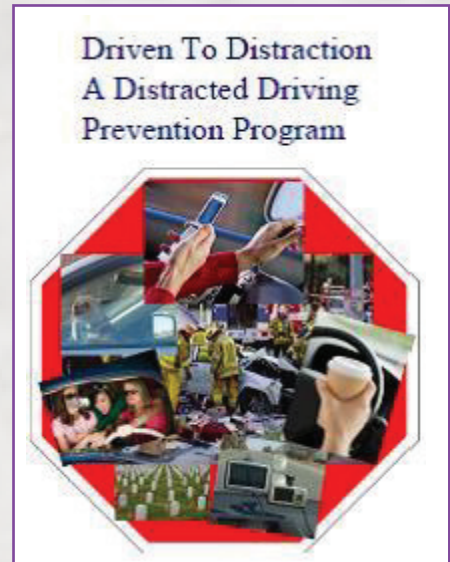
A native of Penfield, NY, Ms. Chase has worked as a law clerk for the United States Magistrate for the Western District of Arkansas, the Social Security Administration in Buffalo, and Hiscock Legal Aide Society in Syracuse before coming to the Monroe County District Attorney’s Office.

In addition to her work as a prosecutor, Ms. Chase is involved in several civic and community organizations including the Domestic Violence Consortium, Partners in Restorative Initiatives (PIRI), Organized Retail Theft, and the Boys & Girls Club of Rochester.

Ann Chase is a graduate of Penfield High School, performing her undergraduate studies at St. John Fisher College before graduating with honors from the University of Arkansas Law School.

DRIVEN TO DISTRACTION PROGRAM

Distracted driving is any activity that takes a driver's attention away from the primary task of driving. Typical distractions include use of cell phones for talking, texting, or GPS functions, eating, drinking, applying makeup, reading, watching videos, adjusting the radio, talking to children or other passengers, and dealing with pets moving throughout the vehicle. Using a cell phone while driving is believed to be three times more dangerous than driving while intoxicated. Statistics show that every year over 30,000 people die in motor vehicle crashes in the United States and more than 10% of those fatal crashes are caused by distracted drivers.



District Attorney Sandra Doorley, together with retired Greece Police Officer Phil Schultz and the University of Rochester Medical Center, started a unique education program to address the dangers of distracted driving. When an individual in Monroe County receives a ticket for the use of a cell phone while driving or texting while driving, they are offered the opportunity to attend a 4 hour course entitled "Driven to Distraction", a court diversion program which offers local courts the opportunity to educate violators about the dangers associated with distracted driving. The course uses a combination of lectures, videos, and interactive exercises which are designed to help the students understand legal, medical, and personal issues that can arise as a result of driving while distracted.



SPECIALIZED COURTS

In addition to the local and Superior Courts, Monroe County administers several other specialized courts designed to address specific types of offenders and to dispose cases in a manner that better serves the community by reducing incidences of recidivism. These courts can offer offenders alternatives to jail time, or reduced jail time, if they agree to certain conditions, often involving treatment or therapy for the problem that leads them to criminal behaviors. In this way, the criminal justice system is able to address the root causes of crime rather than simply focusing on punishing offenders, which places tremendous financial burdens on taxpayers while doing nothing to deter undesirable behavior in those with drug or mental health related difficulties.

Drug Treatment Court

This innovative program, designed to provide long-term assistance to offenders while at the same time reducing rates of recidivism, requires participants to successfully complete an extensive drug and/or alcohol treatment and rehabilitation program, obtain a diploma from high school or GED, and secure employment or enroll as a full time student. One alternative sentence, called Road to Recovery, is a treatment program funded by a state grant and administered through the drug treatment court as an alternative to a state prison sentence. The National Drug Court Institute has documented the positive impact the program has had in Monroe County at recidivism rates. Suitable cases which the District Attorney's Office might consent to being transferred to this court include some misdemeanors, certain non-violent felonies, and violations of probation. Domestic violence, sex crimes, drug sales, or violent felony offenders are excluded from consideration for this specialized court. In 2013, approximately 500 defendants entered Drug Treatment Court in Monroe County—the first county in the State of New York to implement a Drug Treatment Court.

Mental Health Court

Across New York State and the nation, the criminal justice system and the jails are increasingly becoming the repository of those with mental illness. The mission of the Monroe County Mental Health Court is to improve public safety, modify court procedures as to the treatment of the mentally ill, and to address the long-term needs of this population. The District Attorney's Office works closely with the Departments of Probation and Social Services agencies to identify appropriate candidates for the court, facilitate the creation of individualized treatment plans, and monitor the defendant's compliance with the plan. The goal is to be more compassionate and effective regarding the specific problems posed by defendants with mental illness who have committed crimes while at the same time reducing recidivism, improving public health, and saving significant tax dollars over the cost of traditional incarceration. In 2013, 95 defendants entered Mental Health Court.

Integrated Domestic Violence Court

The Integrated Domestic Violence Court is intended to consolidate criminal domestic violence cases, criminal cases related to Family Court cases involving the same individuals, and divorce-related Supreme Court matters into a single case before one judge. In the past, victims had to face several judges in up to four different court rooms to have their criminal, family and matrimonial matters resolved. Integrated Domestic Violence Courts seek to impose a "one family—one judge" model able to respond to the unique nature of domestic violence with a single judge handling all criminal domestic violence matters along with related family issues including custody, visitation, and civil protection orders.

All of the cases are adjudicated jointly in order to facilitate resolution of multiple related and/or unrelated issues between one family by a single judge. In this way, the court is better able to monitor compliance with court orders and program mandates while giving victims a greater voice in their often complex cases.

Veterans Court

The growth of the United States Military and the overseas conflicts that it has engaged in over the last decade have produced many thousands of returning veterans to communities across New York State. Military veterans, particularly those who have experienced combat, however, face unique challenges in their lives that sometimes lead to their entry into the criminal justice system. Recognizing these unique challenges, the Monroe County Veterans Treatment Court was established in 2009 in an effort to address the underlying problems leading to a defendant's behavior and to get them the help that they need to successfully reintegrate into civilian life.

Similar to drug treatment and mental health treatment courts, the Veterans Court utilizes a team-centered approach in an effort to provide immediate and intensive intervention to address the needs of veterans who have committed non-violent misdemeanor and felony offenses. This approach involves the cooperation and collaboration of traditional drug treatment and mental health providers with the addition of representatives from The United States Department of Veterans Affairs, the Veterans Outreach Center, in addition to other veterans support organizations and peer mentors. By virtue of their military experience, peer mentors provide veteran-defendants with a unique source of support and motivation as they navigate through the court process. Similar in some ways to drug court and mental health court, defendants entering Veterans Treatment Court are given a chance to complete programs and counseling to overcome their issues as an alternative to disposition in the regular court system or jail time. In addition to traditional services, the court, similar to drug treatment and mental health treatment courts, will help with vocational skills so veterans are fully employed when they leave the court.

In 2013, approximately 70 defendants entered Veterans Court. Like other alternative courts, failure to successfully meet benchmarks and complete the program requirements can result in the reinstatement of the original charges and sentences.



THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE GRAND JURY BUREAU

The Grand Jury Bureau is responsible for empanelling Monroe County's two full time Grand Juries and for scheduling all cases that are presented to the Grand Jury for indictment. The Chief of the Grand Jury Bureau advises prosecutors on presentation procedures and techniques designed to increase felony indictments and works closely with the Office of the Commissioner of Jurors to ensure the smooth operation of the empaneled Grand Juries during the year's many court terms. In addition to these duties, the Bureau Chief personally presents hundreds of cases to Grand Juries each year. In 2013, the two seated Grand Juries in Monroe County handed down 1453 felony indictments, in addition to 94 "prosecutor informations," which accuse the subject of a lesser offense. Michelle Crowley, Chief of the Grand Jury Bureau, oversees and coordinates the work of six full time and one part time Grand Jury stenographers and two clerks who provide support to the Assistant District Attorneys presenting cases for indictment. The Chief of the Grand Jury Bureau reports directly to Second Assistant District Attorney Timothy Prosperi.

Bureau Chief Michelle Crowley

Michelle Crowley, Chief of the Grand Jury Bureau, returned to the Monroe County District Attorney's Office in 2012 after serving in the Ontario County District Attorney's Office. Crowley began her career as a prosecutor in Orange County where she was the head of the Domestic Violence Unit before moving to Monroe County in 2002, becoming one of the Major Felony Bureau's top prosecutors. In her 15 year career, Ms. Crowley has prosecuted hundreds of violent felony cases, including homicides.



Crowley, whose official title is *Director of Attorney Training and Grand Jury*, is responsible for ensuring that prosecutors working within the office comply with the continuing legal education requirement mandated by the State of New York for all practicing attorneys. In this role, Crowley works with Assistant District Attorneys both individually and in groups providing comprehensive and consistent training in an effort to leave them in the best position possible to obtain convictions and ensure the safety of the community.

A native of Elmira, New York, Ms. Crowley performed her undergraduate studies at Ithaca College and completed her Juris Doctorate at the Albany School of Law.



THE GRAND JURY PROCESS

Each year in Monroe County, over 5000 defendants face felony charges for a variety of crimes ranging from falsifying business records to intentional murder, with many eventually going to trial. Before such a trial can occur, however, a group of citizens must review the charges being brought against the defendant to ensure that they are both appropriate and are supported by available evidence. This group of citizens, called a Grand Jury, is empowered to sustain the charges suggested by prosecutors by returning an indictment, or to dismiss the charges all together. Approximately half of the states in the U.S. employ grand juries and twenty-two require their use, including New York State.

Dictated by Article 190 of the New York State Criminal Procedure Law, a Grand Jury consists of no less than 16 jurors and no more than 23. Grand jurors are drawn from the same pool of potential jurors as trial juries and are seated in a procedure called empaneling.

The prosecutor acts as the legal advisor to the Grand Jury, presenting evidence and witness testimony for the Grand Jury's review. Grand Jury proceedings, however, differ from traditional trial proceedings in several important ways. First, there is no judge or defendant present at Grand Jury proceedings. Instead, the prosecutor, who drafts the charges and reads them to the Grand Jury, presents evidence and questions witnesses to demonstrate the appropriateness of the charges. At the conclusion of the presentation of evidence and witness testimony, the Grand Jury can vote to indict, meaning to charge the defendant with a crime, or "no bill", meaning not to charge, in which event the case is permanently sealed and the charges are dismissed. A Grand Jury does not decide whether the subject of an investigation is guilty or innocent, only if there is sufficient evidence to support the charges. Unlike a trial, the burden of proof for prosecutors in Grand Jury proceedings is "reasonable cause to believe" that an individual committed a crime, as opposed to the burden of "proof beyond a reasonable doubt" which guides trial juries. In addition to voting to indict or dismiss a case, the Grand Jury may also direct the prosecutor to file an "information" accusing the subject of a lesser offense, and refer a matter to a lower court.

Confidentiality is an important aspect of Grand Jury proceedings as well. Each grand juror and the prosecutor is sworn to secrecy, ensuring that the Grand Jury is able to deliberate free of outside pressure and that those possessing information about a crime are able to speak freely. The confidentiality of the Grand Jury process also protects those who the Grand Jury determines have not committed a crime from public disclosure of the fact that he or she was being investigated.

Each year, the Monroe County District Attorney's Office Grand Jury Bureau empanels 24 Grand Juries, for terms lasting up to 30 days. During their empanelment, a single Grand Jury can hear up to 200 cases.

THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE

VICTIM WITNESS BUREAU

Each year, thousands of people become victims of crimes, and for many, the sometimes confusing nature of the criminal justice system, coupled with the physical, emotional, and financial trauma resulting from their victimization, can be devastating. The Victim Witness Bureau assists victims and witnesses of serious crimes by helping them cope with the demands of the criminal justice system after what is often a frightening and life-altering event. In addition to promoting the rights of victims throughout the process and assisting victims in understanding those rights, the Victim Witness Bureau makes referrals to counseling, helps arrange transportation for court proceedings, provides interpreters, assists in preparation of victim impact statements, files parole notifications, and makes referrals for financial and support assistance from the NYS Office of Victim Services. Members of the bureau meet with witnesses, victims and their families on a regular basis and frequently accompany them to and from court proceedings, explaining the process and keeping victims and their families cognizant of events relating to their case. The Victim Witness Bureau also works closely with the District Attorney's Office and Probation to obtain court orders for the restitution of losses.

Victim Witness Advocates employed by the bureau maintain close relationships with local and regional service providers and attend training offered by various criminal justice and human services agencies and well as review current materials relevant to victim assistance. Members of the Victim Witness Bureau also regularly promote community education through speaking engagements and by distributing literature at events. In 2013, the Victim Witness Bureau provided support and services to 1082 victims involving hundreds of cases, many of which remain ongoing.

Carrie Noble, Chief of the Victim Witness Bureau, oversees and coordinates the work of five full time victim advocates and keeps the District Attorney informed of all matters relating to victims in criminal cases. The Chief of the Victim Witness Bureau reports directly to District Attorney Sandra Doorley, who upon taking office in January 2012, made reorienting the District Attorney's Office toward victim advocacy and support a top priority. The Victim Witness Bureau is a grant funded program, receiving annual funding from the NYS Office of Victim Services.

Bureau Chief Carrie Noble

Carrie Noble, Chief of the Victim Witness Bureau, joined the Monroe County District Attorney's Office in 1996 as a Senior Victim Advocate before accepting the role of Bureau Chief in 2004. Prior to coming to the District Attorney's Office, Ms. Noble served for nearly a decade in both Child Support Enforcement and in Child Protective Services in Monroe County.



A native of Westchester, Carrie Noble moved to Monroe County as a child, graduating from Brighton High School before attending the State University of New York at Brockport, where she majored in Social Work. In addition to her daily work on behalf of crime victims, Ms. Noble is a member of both the Monroe County/Rochester and Western NY Coalition for Crime Victims and is active with Girl Scouts of Western New York.

~Quotes from those Served by the Victim Witness Bureau~

“JUST A NOTE TO THANK YOU FOR THE WONDERFUL JOB YOU BOTH DID ON MY BROTHER’S CASE. EVEN THOUGH IT WAS A DIFFICULT TIME FOR ME AND MY FAMILY YOU MADE IT EASIER BY BEING THERE FOR US. WE ALL APPRECIATE YOUR EFFORTS AND HARD WORK MORE THAN WE CAN EXPRESS.” -FAMILY MEMBER OF A MURDER VICTIM

“Your qualities make up the three P’s: Patience, Poise, Perseverance. Always understanding, always listening, always there. We respect what you do and thank you for what you have done for us.” – Family of a murder victim

“We are... very grateful for the support and assistance given to us by M from the Victim Witness Bureau for her compassion, sound advice, and for answering all our questions.”
- Friends of a murder victim

“I wanted to take the time to thank you for being there for me and my family through this difficult murder trial. You kept us informed of the trial schedule as well as all of the delays. Best of all you managed to keep us all calm throughout this terrible ordeal, when our emotions were at their peak. Thank you from the bottom of our hearts!.” -Family of a murder victim

“...going through life I learned that even in difficult times there is a ray (or rays) of shine. I thank you for your kindness... We don’t travel through alone.” Victim of white collar crime

“I would like to take this time to thank you for all of your support throughout my whole ordeal. I had no clue what was going to be facing me in this past year. You were right there to guide me from day one.” -Victim of a sexual assault

THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE DISTRICT ATTORNEY INVESTIGATORS



The District Attorney Investigators Bureau is composed of thirteen designated, sworn police officers tasked with conducting critical investigative work designed to supplement and enhance the prosecutorial efforts of the District Attorney's Office. These investigative tasks include but are not limited to witness cultivation, witness location and interviewing, enhanced crime scene analysis, subpoenas, Material Witness Arrest Orders, and witness protection and relocation. In addition to these key functions, District Attorney Investigators conduct sealed investigations under the direction of the District Attorney, including cold-case, Official Misconduct and Public Corruption investigations. District

Attorney Investigators provide support services to every bureau within the office.

In 2013, District Attorney Investigators served 21,080 subpoenas, conducted 17,722 interviews, located 1,317 missing witnesses, provided 1,798 witness transports and worked on 33 Material Witness Arrest Orders.

Mark Kelley, Chief Investigator, oversees and coordinates the work of all Investigator staff and reports directly to District Attorney Sandra Doorley. Members of the District Attorney Investigators Bureau are seasoned law enforcement professionals with no less than 20 years of experience in various police agencies.

Chief Investigator Mark Kelley

Chief Investigator Mark Kelley has been a member of the Monroe County District Attorney's Office since 1978, serving in numerous Investigator positions before being named Chief Investigator in 1992. A career employee of the DAs Office, Mr. Kelley has served as the Child Abuse Coordinator, District Attorney polygraphist, and DA Investigator assigned to the Economic Crimes and Major Felony Bureau before assuming the role of Chief.



Originally from Maine, Mark Kelley came to Monroe County at a very young age, settling with his family in Pittsford. Kelley graduated from Pittsford Sutherland High School before attending the Rochester Institute of Technology, where he majored in Criminal Justice. In addition to his collegiate education, Mr. Kelley is a graduate of the Monroe County Public Safety Police Academy, Polygraph School, and has attended dozens of rigorous training programs to both enhance his abilities as an investigator and to achieve and maintain a variety of qualifications.

THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE INVESTIGATOR STAFF

Senior Investigator Robert Siersma brings more than 40 years of law enforcement experience to the Monroe County District Attorney's Office. A member of the Rochester Police Department for 30 years, Siersma retired in 2000, and became a District Attorney Investigator in 2001, where he now manages CODIS and Major Felony investigations. A former homicide investigator, Siersma directly supervises ten District Attorney Investigator Staff.

Beginning his law enforcement career as an Army MP, **Investigator Gary Schultz** spent 21 years with the Rochester Police Department in the Intelligence Unit and as a Homicide Investigator before coming to the District Attorney's Office in 1995. Unlike most DA Investigators who serve the office at large, Investigator Schultz is assigned to the Special Victims Trial Division and conducts the bulk of the investigative work for the Child Abuse and Domestic Violence Bureaus.

Joining the Rochester Police Department in 1969 at age 20, **Investigator Joseph Spagnola** spent 28 years with the department, a majority of which was spent as an investigator assigned to the Downtown portion of the City. During his tenure with RPD, Spagnola took part in thousands of investigations, including the Arthur Shawcross murders during the late 1980's. Spagnola came to the District Attorney's Office in 1997, where he now works as a Violent Felony Investigator.

A 36 year law enforcement professional, **Investigator Paul Boccacino** joined the Rochester Police Department as a Uniform Patrol Officer in 1977. Over the next 26 years, Boccacino would serve in numerous capacities within RPD including SWAT Team leader and as an officer in the RPD Tactical Section as well as serving in dozens of undercover operations. In addition to these responsibilities, Boccacino assumed many high level administrative roles and served as part of a multi-agency Federal violent crime task force. Retiring from RPD in 2003, Investigator Boccacino came to the District Attorney's Office, where he now serves as a Violent Felony Investigator.

A lifelong police officer, **Investigator Rick Gosnell** joined the Rochester Police Department in 1968 after entering the police training program at 18 years of age. In 1971, he was sworn in as a Police Officer. During his 34 years with RPD, Gosnell served in patrol, the Technician Unit and as a K-9 Officer. In 1987, he was promoted to Sergeant, where his assignments included patrol, as well as the Crime Analysis, Technicians and Major Crimes Units. In 2005, Gosnell retired from the RPD to become a District Attorney Investigator, where he now serves the community by locating witnesses, conducting photo arrays, collecting DNA swabs, serving subpoenas, and taking statements.

Investigator Sam Soprano joined the Monroe County Sheriff's Office in 1984, where he served with distinction for 3 years before joining the Irondequoit Police Department in 1987. Promoted to investigator after 8 years of service, Soprano, in cooperation with the Brighton Police Department, was the lead investigator on one of the first cases in Monroe County history solved using the CODIS DNA databank. Retiring from Irondequoit PD following 20 years of service, Soprano came to the District Attorney's Office in 2007 where he now serves as a Violent Felony Offense Investigator.

Investigator C.J. Dominic joined the Rochester Police Department in the Spring of 1986. He spent the last 6 years of his career serving as an Investigator in the Major Crimes Unit investigating homicides, and had a particular interest in working on cases that involved DNA analysis. After a 25 year career with the RPD, Dominic joined the District Attorney's Office in February 2011, where he now serves as a Violent Felony Offense Investigator.

Investigator Glenn Weather began his career with the Rochester Police Department in 1987, eventually becoming assigned to the Tactical Unit and the Vice Squad before spending 15 years as a homicide investigator. During his time in the Homicide Unit, Weather worked several hundred cases including two serial murder investigations, and was featured on the nationally televised series "Crime 360" on A&E. Weather retired from the RPD in 2011 to join the District Attorney's Office, where he now serves as a Violent Felony Offense Investigator.

Investigator Joseph Dominick joined the Monroe County Sheriff's Office in 1984 as a Patrol Deputy and transitioned to the Rochester Police Department 24 months later. In 1995, Dominick was promoted to investigator and would spent the next 13 years with the RPD serving as a Homicide Investigator, Public Information Officer, and Child Abuse Investigator before retiring in 2008. Investigator Dominick then spent the next several years working in private-sector security and investigation before joined the District Attorney Investigators in early 2012.

Investigator Norberto Torrez began his law enforcement career as a member of the Rochester Police Department in 1982, where he served as a uniform patrol officer before joining the RPD Tactical Unit in 1986. Over the next 20 years, Investigator Torrez served in several capacities within RPD, retiring as a Field Intelligence Officer in late 2012 before joining the District Attorney Investigators a short time later.

The newest Monroe County District Attorney Investigator, **Dale Pascoe**, proudly served our nation in the United States Marine Corps. He began his law enforcement career as a member of the Rochester Police Department in 1991, where he spent the majority of his time on the streets, working in an undercover capacity. He was assigned to the Tactical Unit and Special Investigations Section. He ended his RPD career while holding the position of Interim Director of the Office of Public Integrity. Investigator Pascoe joined the District Attorney's Office in August of 2013.

THE MONROE COUNTY DISTRICT ATTORNEY'S OFFICE

SUPPORT STAFF

The 79 Assistant District Attorneys who serve the citizens of Monroe County each day are backed by over 50 full and part time support personnel who perform numerous duties to ensure that the District Attorney's Office operates efficiently and smoothly. These Support Staff work in virtually every department performing vital internal functions for the District Attorney's Office including, but not limited to, keeping case information up-to-date and accurate, preparing required documents correctly and in a timely manner, and ensuring that the other segments of the criminal justice system operating in Monroe County (police, probation officers, judicial and court personnel, and the defense bar) are provided with the information they need to execute their duties.

District Attorney Administrator David Marion supervises non-attorney and non-investigative staff in addition to managing personnel functions, (payroll, personnel issues, time off request, and scheduling), monitoring expenditures, and formulating the annual budget request for the District Attorney's Office. Administrator Marion also authorizes payments to all vendors and contracts with expert witnesses for their services. A key facet of the Administrator's duties is to continually seek out and apply for grants that would enhance the ability of the office to prosecute crimes, and to coordinate the grant acceptance process through the Monroe County Legislature.

Assisting the District Attorney Administrator in managing the support functions required to keep the office running smoothly are the following personnel:

The Community Relations Coordinator, Nancy Scibetta, is responsible for media relations, internal and external communications, and all community outreach initiatives. In addition to these duties, Ms. Scibetta supervises clerical staff, writes correspondence and reports as required, conducts non-case related research for the District Attorney, maintains the District Attorney's website, and assists with administrative functions of the office.

Systems Administrator Conrad Ziarniak oversees and administers the case management system and computer network in addition to acting as the liaison with the County Information Services Department. As Systems Administrator, Mr. Ziarniak troubleshoots problems with computer systems, provides statistical data, and advises the District Attorney and the District Attorney Administrator on potential future equipment and infrastructure requirements.

District Attorney Research Analyst, Gary Campanaro, is responsible for processing all felonies and supervising certain aspects of the data entry operation. This task involves reviewing, entering and making bureau assignments for 5000-plus felony cases prosecuted by the District Attorney's Office each year. Mr. Campanaro also assists in Data Entry Operations.

Five Data Entry Clerks are responsible for opening cases in the case management system and entering all information from the Monroe County Court Dockets. In addition, Data Entry also maintains digital records by entering plea and sentence information.

Four paralegals are currently on staff assisting 79 Assistant District Attorneys with Court and Trial Preparation, collecting information and evidence for use in all cases.

Ten Secretaries perform administrative work for the attorneys by preparing all court and Grand Jury documents and maintaining case files. **Two receptionists** handle all inquiries from law enforcement, other attorneys, the public, witnesses, and victims both in person and via telephone. All are supervised by

Confidential Assistant to the District Attorney Karen Farsace directly assists the District Attorney and is responsible for numerous duties including maintaining the District Attorney's calendar, preparing documents, and responding to requests from attorneys. She is assisted in a portion of her duties by **Confidential Secretary to the Administrative Division Heads Linda Perry**.

Karen Farsace

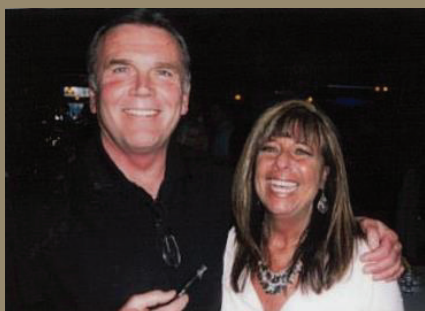
On March 29, 2014

Karen Farsace

retired after 35 years of service to Monroe County, including 32 years at the District Attorney's Office.

Karen served under five District Attorneys: Lawrence T. Kurlander, Donald O. Chesworth, Howard R. Relin, Michael C. Green, and Sandra Doorley. Over the years, Karen made many friends, and learned how to perform almost every function carried out in the office. Her knowledge, dedication and professionalism led to her being chosen as the Confidential Assistant to three District Attorneys. After a brief, but well-deserved break, Karen returned to the District Attorney's Office as a part-time employee in May of 2014.

We're thrilled to have her back!

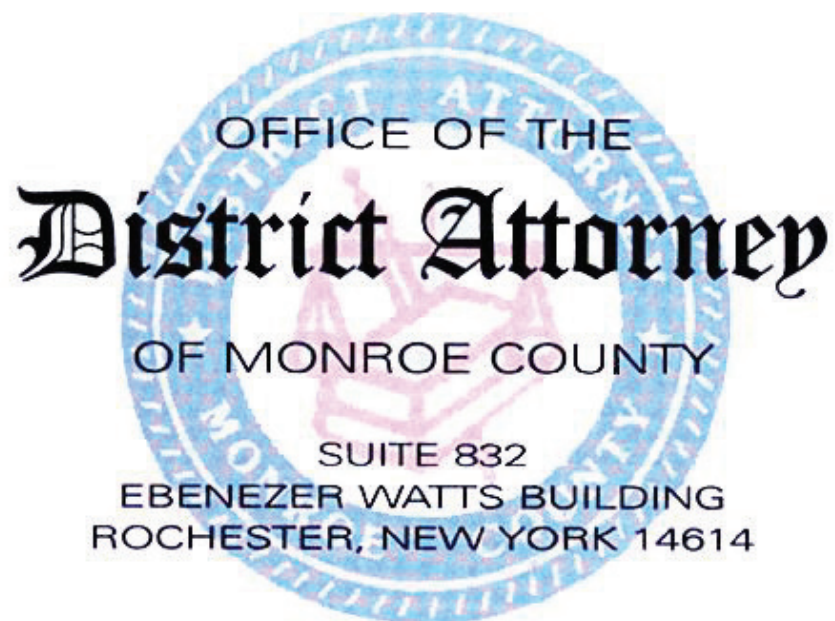


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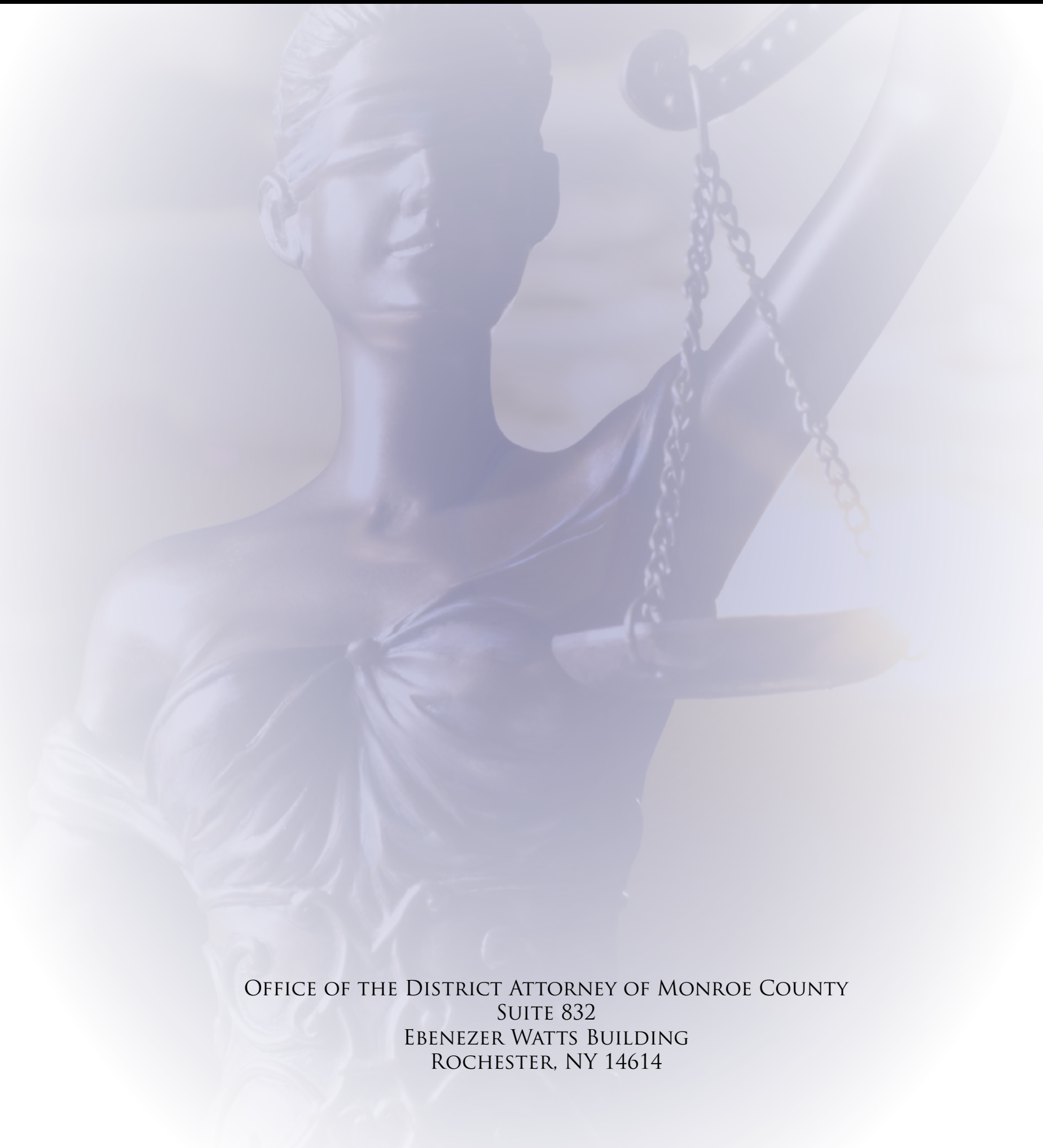
District Attorney

OF MONROE COUNTY

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